

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 77969 of 2019

Arising Out of PS. Case No.-391 Year-2019 Thana- SAHARSA SADAR District- Saharsa

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Prince Singh, age-19 yrs, male, S/o-Rajesh Kumar Singh @ Bhola Singh,
Resident of village-Nariyar, Ward No. 7, P.S. and District-Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 24-08-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Nafisuzzoha, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Saharsa Sadar PS Case No. 391 of 2019 dated 01.05.2019, instituted under Sections 457/380 of the Indian Penal Code.

4. Though the petitioner is not named in the FIR, but in the confessional statement of co-accused, he is said to be one of the persons who used to bring stolen articles to the shop of



the said co-accused, who used to sell the theft property by making new ornaments out of the stolen articles.

5. Learned counsel for the petitioner submitted that he has been falsely implicated by co-accused due to personal rivalry as both are contemporaries. It was submitted that against the petitioner there is one other case and he is a student and no recovery has been made, either from his possession or from his house. It was submitted that the petitioner has been falsely implicated by co-accused Ajit Kumar Swarnkar with connivance of the police.

6. Learned APP, from the case diary, submitted that co-accused Ajit Kumar Swarnkar has stated that he along with the petitioner and others used to commit theft and bring ornaments to the shop of his father who was running a goldsmith shop. It was submitted that there is no indication of any enmity between the parties. Learned counsel further submitted that three co-accused have surrendered before the Court below but the petitioner is still absconding and such theft happening in the locality corroborates the allegation against the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the



Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the application stands dismissed.

9. However, in case the petitioner surrenders before the Court below and prays for bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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