

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31865 of 2020

Arising Out of PS Case No.-457 Year-2019 Thana- DHAKA District- East Champaran

Om Prakash Kumar (Male), aged about 19 years, Son of Pappu Pandit @
Pappu Kumar, Resident of Bakhari, PS-Patahi, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate
For the State : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 02-03-2021

Heard Mr. Radha Mohan Singh, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Dhaka PS Case No. 457 of 2019 dated 01.12.2019, instituted under Sections 379/411 and 34 of the Indian Penal Code.

3. The allegation against the petitioner is that he was also coming on a motorcycle along with two persons who were caught on a motorcycle.

4. Learned counsel for the petitioner submitted that the informant's motorcycle was being driving by the two accused who have been arrested and the motorcycle recovered, but neither the



petitioner was caught nor anything has been recovered from his house and the only allegation is that he was also accompanying the arrested persons on a motorcycle. Learned counsel submitted that the petitioner has been named only on the confessional statement of two arrested persons and does not have any criminal antecedent.

5. Learned APP submitted that the arrested persons have stated that the petitioner was also an accomplice and witnesses have supported the prosecution case. Further, it was submitted that the Court below had noticed that there is no enmity between the co-accused, so as to falsely implicate the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined the grant pre-arrest bail to the petitioner.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

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