

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31584 of 2020

Arising Out of PS. Case No.-63 Year-2020 Thana- RAGHOPUR District- Vaishali

Saroj Rai S/o Banaras Rai R/o Jafrabad Tok, P.S.- Raghapur (Rustampur O.P), District- Vaihslai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Advocate

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 22-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Raghapur (Rustampur OP) P.S. Case No. 63/20 registered for the offence under sections 414 and 34 of the Indian Penal Code.

As per allegation in the first information report, on information having been received that the petitioner as also other accused persons had kept stolen motorcycles near their house/hut and were illegally dealing in sale and purchase thereof, a raid was conducted and three motorcycles were recovered from near the house of the petitioner.

It is submitted by learned counsel for the petitioner



that no incriminating article has been recovered from the person or possession of the petitioner. From perusal of the first information report itself it would transpire that the alleged recovery even as per the first information report is from near the hut and not the house of the petitioner. He has no concern with the stolen articles. It is further submitted that a supplementary affidavit has been filed stating therein that the petitioner has one criminal case from before.

The application is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and on perusal of record, it transpires that by order dated 29.1.2021 a report with respect to the antecedent of the petitioner had been called for from the Senior Superintendent of Police, Vaishali. The same was received vide letter no. 1185 dated 10.02.2021 and the matter was taken up on 5.3.2021 when prayer for further time was made on behalf of the petitioner. It was subsequently on 15.3.2021 that a supplementary affidavit has been filed on behalf of the petitioner stating about his criminal antecedent which is contrary to the statement made in paragraph no. 3 of the petition wherein it was stated that the petitioner has no criminal antecedent.



In view of the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on anticipatory bail and the same is rejected.

(Partha Sarthy, J)

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