

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2571 of 2021

Arising Out of PS. Case No.-414 Year-2013 Thana- SIKARPUR District- West Champaran

KHOBHARI YADAV @ SOMARI YADAV S/o Late Shankar Yadav R/o
village- Gurwalia, P.S.- Manuapool, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bashishtha Narayan Mishra, Adv.

Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-03-2021 Heard Mr. Bashishtha Narayan Mishra, learned
counsel for the petitioner and Mrs. Veena Kumari Jaiswal,
Additional Public Prosecutor for the State through video
conferencing.

Petitioner seeks regular bail in connection with
Shikarpur PS Case No. 414/2013 registered for the offence
punishable under Sections 379, 411, 120(B)/34 of the IPC.

The allegation, as per First Information Report, is that
some of the accused persons were removing transformer
installed near the bank of the river of the village and upon alarm
raised by the villagers, the accused persons started fleeing away
but one of them was apprehended who disclosed his name as
Prem Bhagat and upon inquiry, the apprehended accused person
disclosed the name of the petitioner and others.



Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of disclosure made by the arrested accused person and he has not committed any offence in the manner alleged and he is in custody since 10.07.2020. Learned counsel next submits that no incriminating material has been recovered from the conscious possession of the petitioner.

On the other hand, learned counsel for the State opposed the prayer for bail of the petitioner and submits that petitioner is a habitual offender and altogether seven criminal cases of similar nature are pending against him.

Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner has got criminal antecedents, I am not inclined to grant regular bail to the petitioner at this stage. The same is, hereby, rejected.

However, petitioner, if so advised, may renew his prayer for bail after three months.

(Anil Kumar Sinha, J)

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