

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15840 of 2021

Arising Out of PS. Case No.-26 Year-2019 Thana- GAYA RPF/POST District- Gaya

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BANTI YADAV @ ABUBASAN S/o Abdus Subhan, Resident of Village-
Parham, P.S.- Kashim Bazar, District- Munger. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Asha Devi

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

2 18-01-2022 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State through video

conferencing.

The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one month.

The petitioner apprehends his arrest in connection with
Gaya R.P.F. Post Case No. 26/2019 registered for offence
punishable under section 3 RP (UP) Act.

As per allegation, a number of electronic items like Lap
Top, Printer, Monitor etc. were stolen from Anand Vihar Siyaldah
Express Train. The accused persons were seen in CCTV footage at
Gaya Railway Station and on that basis, they have been made
accused, including the present petitioner.

The learned Additional Sessions Judge-V, Gaya, vide
his order dated 14.09.2020 in A.B.P. 117/2020, has observed that
the name of the petitioner has figured on the basis of confessional



statement of co-accused. The investigation is still pending. The offence is punishable for a term less than 7 years, as such, the learned Additional Sessions Judge has opined that this case is covered by Section 41 (A) of the Code of Criminal Procedure. The learned Additional Sessions Judge has directed the petitioner to cooperate in the investigation, as the investigation is pending. He also directed the S.H.O. to follow the direction issued by the Hon'ble Supreme Court in Arnes Kumar vs. State of Bihar, reported in S.C.C. 2014 page 273. The learned Additional Sessions Judge, after issuing the direction, has opined that in these circumstances, there is no apprehension of arrest of the present accused.

Considering the observation made by the learned Additional Sessions Judge, this anticipatory bail petition is not maintainable and accordingly, it is dismissed.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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