

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17619 of 2021**

Arising Out of PS. Case No.-105 Year-2019 Thana- KATHAIYA District- Muzaffarpur

MD. GUDDU S/O MD. JAKKI @ MD. JAKIR R/O VILLAGE-MAJHAULI
MOHAMADPUR BUZURG SARAI, P.S.-SARAI, DISTRICT- VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 07-01-2022 Heard Mr. Arvind Kumar, learned Advocate for the petitioner and Mr. Dr. Mrityunjaya Kr. Gautam, the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Kathaiya P.S. Case No. 105 of 2019 dated 29.06.2019 instituted for the offences under Sections 379/461 of the Indian Penal Code.

It has been alleged by the proprietor of Yuvraj General Store that there was a burglary in his shop in which many items of general use and computer peripherals were stolen. Some of the stolen articles were recovered from the possession of one Md. Imtiyaz for which a case *vide* Paroo P.S. Case No. 265 of 2019 was instituted against Md. Imtiyaz and on his statement, against the petitioner as well.



In the present case also, the implication of the petitioner is only on the basis of the aforesaid confessional statement of Md. Imtiyaz.

Nothing has been recovered from the constructive possession of the petitioner.

However, considering the fact that from the impugned order it appears that the petitioner has been declared an absconder, I am not inclined to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, the above-noted grounds shall be taken into account and an order shall be passed without being prejudiced by the fact that the present petition on his behalf has not been entertained.

(Ashutosh Kumar, J)

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