

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11146 of 2022

Arising Out of PS. Case No.-269 Year-2017 Thana- SAKRA District- Muzaffarpur

SURAJ KUMAR @ SURAJ MAHTO Son of Chhathu Mahto Resident of
Village- Govindpur Bela, P.S.- Baligaon, District- Vaishali. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur
For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner apprehends his arrest in Sakra P.S. Case No. 269 of 2017 registered for the offences punishable under Section 307 & 411/34 of the Indian Penal Code and Section 26 and 35 of the Arms Act pending in the Court of learned A.C.J.M.-12, Muzaffarpur.

The police apprehended some people at the spot perceiving that they were going to commit some crime. The F.I.R. further discloses that petitioner was a person who had fled away from there. Only material against the petitioner is disclosure statement of co-accused.



It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The only material against the petitioner is that his name surfaced in this case on the confessional statement of co-accused. Petitioner has no criminal antecedent.

Learned APP for the State vehemently opposing the bail petition submitted that from perusal of the case diary it appears that other witnesses have supported the version of the informant. It is further submitted that the petitioner is absconding since long, hence he does not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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