

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28848 of 2022

Arising Out of PS. Case No.-204 Year-2021 Thana- PIPRA District- Supaul

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KISHORE SUTIHAR S/o Ganeshi Sutihar Resident of Village- Bishanpur,
P.S.- Pipra, District- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in connection with Pipra P.S. Case No.204 of 2021, registered for the offence punishable u/s 457, 380 of the IPC.

Prosecution case in short is that the FIR named accused persons including the petitioner have stolen the household articles, ornaments, cash and one motor of H.P. from the house of informant. It is further alleged that on suspicion, the villagers convened a Panchayati, where the petitioner and others



confessed their involvement in the theft and promised to return the stolen articles after one week but the same was not returned and he was threatened to be killed by the accused persons.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has not been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has been falsely implicated in this case due to village politics. He has never made any confession in any Panchayati. It is submitted that there is no eye-witness to the alleged occurrence. There is an inordinate delay in lodging the F.I.R. as the date of occurrence is 07.07.2021 but FIR has been registered on 18.07.2021 i.e. after 11 days of the occurrence, which creates doubt about the prosecution case itself. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail on the ground that petitioner and others, during Panchayati accepted to return the articles but later on refused for the same, which caused the delay in lodging the F.I.R.

Having regard to the facts and circumstances of the case, considering the nature of allegation, I am not inclined to enlarge the petitioner named above on bail. The prayer for grant of



anticipatory bail on his behalf is hereby rejected.

This application is accordingly dismissed.

However, 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 the order, preferably, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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