

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40156 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- PARAIYA District- Gaya

Shankar Saw S/O Bhagwan Saw Resident Of Village- Saipur, Nawadih,
Chatra, Jharkhand- 825401

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Nikhil

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-11-2022 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 three weeks. In the eventuality of
non-removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 379 of the
Indian Penal Code.

Tractor of the informant was stolen on 27.01.2022
which was parked near the Old Devi Mandir field.

Learned counsel for the petitioner submits that the
petitioner is innocent, not named in the FIR and has been falsely
implicated in this case. He submits that there is no specific overt



act against the petitioner. He submits that no incriminating article has been recovered from the possession of the petitioner. He also submits that the alleged tractor was recovered and seized on the same day when the FIR was registered from the roadside in Jaipur village but the Dala of the said tractor was found missing. He submits that the stolen Dala was also recovered from the premises of Gurua P.S. which was found attached to another tractor. There is no eye witness in the present case. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail and submits that the stolen Dala was recovered from the possession of the petitioner.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Paraiya P.S. Case No. 28 of 2022.

(Anjani Kumar Sharan, J)

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