

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 52753 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- AMAS District- Gaya

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ABHAY TIWARI SON OF LATE RAMJI TIWARI R/O VILLAGE-
TELDIHA, P.S.- MADANPUR, DISTRICT- AURANGABAD.

... .. Petitioner/s

Versus

The State of Bihar .

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh
For the Opposite Party/s : Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-05-2022 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 Amas P.S. Case No. 08/2021 registered for the offences punishable under Sections 394 and 411 of the Indian Penal Code pending in the Court of learned J.M. 1st Class, Gaya.

The petitioner in association of other co-accused is said to have looted a truck laden with onions and one of the co-accused, Rakesh Kumar Singh was identified during test identification parade by the informant.



It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. The petitioner is not F.I.R. named accused in this case rather his name transpired in this case during course of investigation on the basis of mere suspicion. No incriminating article has been recovered from the conscious physical possession of the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature.

Learned APP for the State vehemently opposing the bail petition submitted that the petitioner in association of other co-accused has looted the truck laden with onion, hence he does not 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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