

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54038 of 2021

Arising Out of PS. Case No.-229 Year-2019 Thana- BIHARIGANJ District- Madhepura

Rajiv Kumar @ Sanjeev Kumar Sah S/O Asharfi Sah R/O Village-
Saraunikala, P.S.- Bihariganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh

For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-06-2022 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 Sections 457, 380 of
the Indian Penal Code.

As per the allegation, the accused persons, including
the petitioners, committed theft in the house of the informant
and took away the household articles including ornaments etc.

It is submitted by learned counsel for the
petitioner that petitioner is innocent and has been falsely
implicated in this case. He submits that there is general and



omnibus allegation levelled against the petitioner. He submits that the similarly situated co-accused has already been granted bail by a Bench of this Court. He submits that no incriminating article has been recovered from the possession of the petitioner and only on the basis of suspicion, he has been made accused in this 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 petitioner is also involved in the present case.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Bihariganj P.S. Case No. 229 of 2019.

However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day considering the fact that similarly situated co-accused has been granted bail.

(Anjani Kumar Sharan, J)

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