

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.717 of 2022

Arising Out of PS. Case No.-478 Year-2020 Thana- BARH District- Patna

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ASHISH KUMAR @ CHHOTE Son of Kanhaiya Paswan Resident of Village
- Kali Asthan Malahi, P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-07-2022 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 a case registered for the offence punishable under Sections 497, 380, 414 of the Indian Penal Code.

Allegedly, the submersible set pipe along with motor and about two quintal iron rod has been theft from the under construction house of the informant.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. Petitioner is not named in the F.I.R. and has been implicated in this case. It is submitted that no incriminating article has been recovered from the conscious physical possession of the petitioner. The said articles have been recovered from the premises of government Tube-well in the presence of staff posted there and on his disclosure the name of petitioner has come in this case. The petitioner had a prior dispute with the said staff of the Government tube-well and in retaliation of the enmity, he has been made accused in this case. Petitioner has no criminal antecedent and several similarly situated co-accused persons have been enlarged on anticipatory bail by a co-ordinate Bench of this court vide order dated 24.02.2021, passed in Cr. Misc. No.32124 of 2020.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that there is ample evidence in the case diary against the petitioner. The materials in the impugned order and the case diary support the prosecution case.



Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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