

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2035 of 2023**

Arising Out of PS. Case No.-238 Year-2021 Thana- VIJAYEPUR District- Gopalganj

BALMIKI YADAW @ BALMIKI YADAV S/o Chandrama Yadav r/v-
Bijaipur (Vijaipur), P.S.- Bijaipur (Vijaipur), District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mrs. Indu Kumari Srivastava

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 04-05-2023 Heard the parties.

The petitioner apprehend his arrest in connection with Bijaipur (Vijaipur) P.S. Case No.238 of 2021, registered for the offence punishable under Section 392 of the Indian Penal Code.

The allegation against the petitioner is that he along with other accused persons encircled the informant and assaulted him and on the point of Arms looted his motorcycle.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner is not named in the FIR and he has been made accused in the present case



only on the basis of confessional statement of co-accused Abhishek Singh and Vishal Yadav. He further submits that there is no eye witness to the present occurrence neither the looted motorcycle has been recovered from the possession of the petitioner. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that during the course of investigation two co-accused persons was apprehended by the police and they have disclosed the name of the petitioner as one of his associate.

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

This application is accordingly, dismissed.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek for regular bail, the learned Court below shall pass the order on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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