

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3042 of 2023

Arising Out of PS. Case No.-18 Year-2022 Thana- JAYNAGAR District- Madhubani

SANTOSH KUMAR BYAR @ SANTOSH BYAR Son of Brahamdev Byar
R/v- Khauna, P.S.- Basopatti, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

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

As per the prosecution case, allegation against the petitioner is that he engaged in theft of motor-cycle along with co-accused.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is no incriminating article has been recovered from the conscious possession of the petitioner. He submits that only on suspicion the petitioner has been made accused in the present case. He further submits that petitioner



has got one criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposes the bail application and submits that the allegation levelled as the petitioner is serious in nature. Hence, he does not deserve anticipatory bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Jaynagar P.S. Case No. 18/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order considering this fact that there is no any incriminating article has been recovered from the conscious possession of the petitioner.

(Anjani Kumar Sharan, J)

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