

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5619 of 2023

Arising Out of PS. Case No.-256 Year-2021 Thana- CHOUTARWA District- West
Champaran

Subhash Kumar @ Subash Kumar @ Subhas Kumar Son Of Moti Nuniya @
Moti Chaudhri @ Moti R/V- Pokhar Chowk, Near Hanuman Mandir, At
Present R/V- Harpurwa, Bagahi, P.S.- Yogapatti, District- West Champaran
(Bettiah)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh
For the Opposite Party/s : Mr. Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Chautarwa
P.S. Case No. 256 of 2021 registered for the offences punishable
under Section 457, 380, 413, 414 and 34 of the Indian Penal
Code pending in the Court of learned Additional Chief Judicial
Magistrate-1st Bagha, West Champaran (Bettiah).

As per the prosecution case, the petitioner along
with other co-accused person committed theft of the
motorcycle of informant.

Learned counsel for the petitioner submits that no
such occurrence as alleged ever took place. He has been falsely
implicated in this case. The allegation levelled against the



petitioner is not specific rather general and omnibus in nature. He submits that the petitioner is made accused in the present case only on the basis of the confessional statement of the apprehended person. The petitioner has got one criminal antecedent as mentioned in para-3 of the bail application.

Learned APP for the State vehemently opposing the bail petition submitted that process of Section 82 of the Cr.P.C. has been issued against the petitioner and the petitioner is also involved in the present case. Hence, he does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail.

The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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