

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9396 of 2023

Arising Out of PS. Case No.-70 Year-2022 Thana- SHIVSAGAR District- Rohtas

BUDHAN SINGH SON OF MAINA SINGH R/O VILLAGE- DUBHUKI
OR DUBKHI, P.S.- KRISHNA BRAHMN, DISTRICT- BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad

For the Opposite Party/s : Mr. Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Shivsagar P.S.
Case No.70 of 2022 registered for the offences punishable under
Sections 379 & 420 of the Indian Penal Code pending in the
Court of learned A.C.J.M., Sasaram, Rohtas.

The prosecution case, in brief, is that 294.55
quintals of wheat was loaded on a truck and the petitioner was
the driver of the said truck but the said wheat could not reach to
its destination till lodging of the present case.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He has been
falsely implicated in this case. Petitioner is the driver of the
said truck and the owner of the said truck was Saroj Kumar. It



is further submitted that the transporter sent another truck and took away wheat saying that he would unload the same at Kolkata. It is further submitted that there is no any cogent materials against the petitioner to connect him with this crime. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State vehemently opposing the bail petition submitted that considering the nature of the allegation, the petitioner does not deserve anticipatory bail.

Considering the facts and circumstances of case, 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 in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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