

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12432 of 2023

Arising Out of PS. Case No.-288 Year-2022 Thana- MOTIPUR District- Muzaffarpur

UDAY PRASAD @ MAHATMA Son of Sri Vindeshwar Das R/v- Gadh
Kharar, P.S.- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-04-2023 Heard the parties.

The petitioner apprehend his arrest in connection with
Motipur P.S. Case No.288 of 2022, registered for the offence
punishable under Sections 395 of the Indian Penal Code.

The prosecution case is that the informant got information
that his driver was thrown by miscreants and his pickup van
with loaded goods was looted. The driver of the informant
disclosed that his pickup van was overtaken by a black colored
four wheeler occupied by miscreants, out of them, four caught
hold of the driver and muffling out his eyes got him seated in
their own vehicle and placed something on his nose as a result
of which he lost his senses.

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. The petitioner is not named in the FIR, his name transpired in the present case on the basis of confessional statement of apprehended co-accused. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner nor he was even put on Test Identification Parade. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

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 hereby rejected.

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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