

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10245 of 2023**

Arising Out of PS. Case No.-234 Year-2021 Thana- BIHARIGANJ District- Madhepura

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RUPESH KUMAR SON OF SUDHIR RAM R/O VILLAGE-
BIHARIGANJ, WARD NO.4, P.S.- BIHARIGANJ, DISTRICT-
MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Pradeep Narain Kumar

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

2 09-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in Bihariganj
P.S. Case No. 234 of 2021 registered for the offences punishable
under Sections 392 and 414 of the Indian Penal Code pending in
the Court of learned J.M. 1st Class, Udakishanganj, Madhepura.

While the informant, being a Medical
Representative, was returning home from Puraini and when he
reached Tulsiya Main Road, three people riding on black
splendor stopped his vehicle and snatched his all belongings
including the cash of Rs.6000/-.

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 at the instance of his enemies to vex and harass. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The specific allegation has been attributed against co-accused Purshottam and Gaurav Kumar. It is further submitted that the petitioner has been made accused in this on the confessional statement of co-accused, Anand Kumar. Petitioner has one criminal antecedent as mentioned in paragraph-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 as also 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 in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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