

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18814 of 2023

Arising Out of PS. Case No.-473 Year-2022 Thana- ARARIA District- Araria

MD. ASHIQUE Son of Md. Raisuddin Resident of Village - Near Chand Basti, Ward No.- 29, Nagar Parishad, P.S.- Town, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Munish Om Prakash Singh

For the Opposite Party/s : Mr. Bharat Bhushan, App, 156

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Learned counsel for the petitioner submits that he has already removed the defect by filing an affidavit on 08.04.2023.

3. Office is directed to trace out it and tag with the case record.

4. The petitioner apprehends his arrest in Araria P.S. Case No. 473/22 registered for the offences punishable under Sections 457 & 380 of the Indian Penal Code pending in the Court of learned C.J.M., Araria.

5. Co-accused, Md. Raja @ Rajwa with his unknown associates are said to have committed theft by entering into the house of the informant. The name of the



petitioner surfaced in this case on the confessional statement of co-accused, Md. Raja.

6. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. Petitioner is not named in the F.I.R. and nothing has been recovered from his house. He has been falsely implicated in this case on the confessional statement of co-accused, Md. Raja @ Rajwa who is on inimical terms with the petitioner since he was not ready to refund a sum of Rs.2500/- to the petitioner. 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.

7. Learned APP for the State vehemently opposing the bail petition submitted that the petitioner was also involved along with other unknown persons in the aforesaid occurrence. Hence, the petitioner does not deserve privilege of anticipatory bail.

8. 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.

9. 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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