

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14069 of 2023

Arising Out of PS. Case No.-270 Year-2022 Thana- SULTANGANJ District- Bhagalpur

SHEO KUMAR @ SHEO SHANKAR SAH SON OF MAHENDRA SAH
R/O VILLAGE- FAUJDARI, P.S.- PIRPAINTI, DISTRICT- BHAGALPUR,
AT PRESENT R/A VILLAGE- MIRJA CHOWKI FOWJDARI, P.S.- MIRJA
CHOWKI, DISTRICT- SAHEBGANJ (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dineshwar Prasad Singh, Adv.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-05-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code.

Allegedly, 10 quintals pool construction materials, channel of twenty feets and one bundle PVC Pipe have been stolen by the petitioner and other accused persons. One person was apprehended by the police, whereas petitioner and one other accused person were succeeded in fleeing away.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and



omnibus in nature. The case diary as mentioned in impugned order does not support the prosecution case. No theft article has been recovered from the conscious physical possession of the petitioner. He was not apprehended on the spot. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioner is serious in nature, hence he does not deserve anticipatory bail.

Considering the facts and circumstances of case as well as the nature of the offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order in accordance with law without being prejudiced by this order on the very date of surrender considering the fact that petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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