

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14884 of 2023

Arising Out of PS. Case No.-689 Year-2022 Thana- DHAKA District- East Champaran

DHARMENDRA PRASAD Son of Jaleshwar Sah R/V-Sugauli, Ward No. 8,
PS- Sugauli, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 457, 380 and 411 of the Indian Penal Code pending in the learned court below.

As per the prosecution case, on 08.11.2022 at about 01:45 AM, Rupesh Kumar entered into the house of the informant and reached in the room of his old mother. It is alleged that he broke the box and stolen cash of Rs.2.04 lacs and gold and silver ornaments worth of Rs.5,00,000/- and fled away with his wife and children.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. He further submits that the petitioner is not named in the FIR. He submits that in the confessional statement of the Rupesh Yadav the name of the petitioner was transpired in the present case. He further submits that in the confessional statement of the Rupesh Yadav it is confessed that he has sold the old ornaments with the petitioner and instead thereof he has purchased new ornaments. He submits that petitioner has given the receipt to the co-accused Rupesh Yadav. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submitted that the allegation levelled as the petitioner is serious in nature. Hence, he does not deserve anticipatory bail.

Considering the nature of the offence and the statement of the co-accused Rupesh Yadav, I am not inclined to enlarge the petitioner on bail in connection with Dhaka P.S. Case No. 689/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the



order, preferably, on the same day, without being prejudiced by this order considering this fact that the petitioner has got no criminal antecedent.

(Anjani Kumar Sharan, J)

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