

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26296 of 2023

Arising Out of PS. Case No.-44 Year-2011 Thana- ARA MUFFSIL District- Bhojpur

Daroga Rai @ Daroga Yadav S/O- Dashai Rai @ Dashai Yadav Village-
Dhudhua Ps- Ara Muffasil Dist- Bhojpur At Present Ward No-12, Indira
Nagar Ps- Plat Site Dist- Odisha

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak

For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Ara Muffasil P.S. Case No. 44 of 2011 registered for the offences punishable under Sections 392, 395, 412 of the Indian Penal Code pending in the Court of learned A.C.J.M., VIIIth Bhojpur at Ara.

3. As per the prosecution case, some miscreants, on the point of *Katta*, snatched Motorcycle and a bag containing gold and silver ornaments from the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner is not named in the F.I.R., he has been made accused in the present case on the basis of confessional



statement of co-accused Rinku Yadav @ Dhanjee Yadav. He further submits that the petitioner was not residing in Bihar, he was residing in Orissa since last twenty years. The petitioner has no criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes prayer for anticipatory bail and submits that the petitioner is also involved in the present case. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case and 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.

7. 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 on the same day in accordance with law without being prejudiced by this order, considering the fact that the petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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