

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22835 of 2023

Arising Out of PS. Case No.-324 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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NITESH KUMAR SON OF LATE MOHAN RAY Resident of Village - Chak
Mehasi, P.S. - Maniyari, Distt. - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand

For the Opposite Party/s : Mr. Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-07-2023 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 399, 402 and 414 of the Indian Penal Code, Section 25(1-b)a/26/35 of the Arms Act and Section 8(c)/21(b) of the N.D.P.S. Act pending in the learned court below.

As per the prosecution, the informant along with other police officials raided the place of occurrence and apprehended three persons. The apprehended persons disclosed the name of the petitioner that the petitioner is also involved in snatching of the motorcycle and illegal trade of smack like substances.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that petitioner was not present at the place of occurrence and he has no concern with the co-accused persons. He submits that the petitioner was made accused in the present case



because the apprehended persons disclosed the name of the petitioner and police has recovered 12.5 Gram of smack like substances from the apprehended persons. 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 submits that the allegation levelled as the petitioner is serious in nature. Hence, he does not deserve anticipatory bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Muzaffarpur Sadar P.S. Case No. 324/2022. 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 there is no any incriminating article has been recovered from the conscious possession of the petitioner.

(Anjani Kumar Sharan, J)

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