

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26493 of 2023

Arising Out of PS. Case No.-11 Year-2021 Thana- MUSAHARI District- Muzaffarpur

SUSHIL KUMAR SAH SON OF LATE HARIHAR SAH Resident of village
- Chhapra Megh, P.S. - Mushahari, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Mushhari P.S. Case No.11/2021, registered for the offence
punishable u/s 401, 413, 414/34 of the IPC.

As per the prosecution case, one person with stolen
motorcycle was apprehended by the police and he disclosed the
name of his associates. From the possession of one Mahadeo
Kumar, one more stolen motorcycle was recovered and he
disclosed the name of petitioner as his associate.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case. Only on the basis of
confessional statement of one of the co-accused, the name of



petitioner transpired in this case. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that petitioner is a member of the syndicate, who are involved in stealing motorcycles.

Having regard to the facts and circumstances of the case and considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly dismissed.

However, petitioner is at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law, considering that petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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