

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 29135 of 2023**

Arising Out of PS. Case No.-151 Year-2022 Thana- HUSSAINGANJ District- Siwan

Prashant Kumar Yadav, Son Of Shankar Yadav, R/O-Khanpur Khairati, P.S.-
HUSSIANGANJ, Distt.-SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 14-07-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Hussainganj P.S. Case No. 151 of 2022, registered on 05.06.2022 for the offences under Sections 379/411 of the Indian Penal Code.

3. As per prosecution case, the motorcycle of the informant was stolen by unknown thieves along with a bag containing mobile phone of the informant. The name of the petitioner transpired during investigation in the confessional statement of co-accused Krishna Kumar Yadav.

4. Learned counsel for the petitioners submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and nothing came up during investigation against him. Petitioner is on inimical term with co-



accused Krishna Kumar Yadav and due to this fact he falsely implicated the petitioner in the present case. Learned counsel further submits that nothing incriminating has been recovered from the possession of the petitioner.

5. Learned APP opposes the prayer for anticipatory bail submitting that the petitioner is a member of gang of thieves and the co-accused persons who were apprehended, were allowed privilege of bail by this Court as well as by learned Juvenile Justice Board.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation, I do not think it is a fit case for grant of anticipatory bail and accordingly, the prayer for anticipatory bail of the petitioner is rejected.

7. However, if the petitioner surrenders before the learned court below and seeks regular bail, the same shall be considered by the learned court below on its own merit without being prejudiced by the order of this Court.

(Arun Kumar Jha, J)

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