

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.33518 of 2023**

Arising Out of PS. Case No.-168 Year-2016 Thana- EKANGARSARAI District- Nalanda

Jai Kant Yadav @ Jai Kant Prasad Son of Sidhdeshar Prasad @ Sidheshwar Prasad R/O Village- Gobar Bigha @ Gvala Bigha, P.S.- Hilsa, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

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

2      21-07-2023                      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 Ekangar Sarai P.S. Case No. 168 of 2016, registered on 19.12.2016 for the offences under Section 395 of the Indian Penal Code.

3. As per prosecution case, a dacoity was committed in the house of the informant and miscreants took away a number of article from the house including cash, ornaments, clothes and mobile phones. The name of the petitioner transpired during investigation as one of the dacoits who participated in the dacoity.

4. Learned counsel for the petitioners submits that the petitioner is innocent and has falsely been implicated in this case. No recovery has been made from the possession of this petitioner.



The name of the petitioner transpired in confessional statement of Shashi Kapoor Ravidas @ Shashi Kumar Mochi but the said co-accused has been acquitted by the court of learned Additional Sessions Judge-III, Hilsa, Nalanda. The petitioner has no concern with the occurrence as alleged. Even the informant has filed a petition before learned S.D.J.M., Hilsa stating that the petitioner was not present at the spot.

5. Learned APP opposes the prayer for anticipatory bail submitting that the petitioner is having criminal antecedent of similar nature and he is accused in three such cases.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of accusation and antecedent of the petitioner, 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)**

DKS/-

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