

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31071 of 2023**

Arising Out of PS. Case No.-1339 Year-2022 Thana- FORBESGANJ District- Araria

AZAD RAI @ MD. AZAD RAI @ MD. AZAD son of Md. Nizamuddin Roy
Village- Kodheli ward no-4, Dholbajja, Ps- Forbesganj, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 17-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Forbesganj P.S. Case No. 1339 of 2022 registered for the offences punishable under Section 395 of the Indian Penal Code pending in the Court of learned Chief Judicial Magistrate, Araria.

3. As per the prosecution case, two persons, on the point of weapon, looted Rs. 3,05,000/- from the pocket of the informant and they also looted Rs. 1,15,000/- cash from Rajeev Bhagat.

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. and has been made accused in the present case during the course of investigation on the basis of the confessional statement of co-accused Md. Chhotkan before the police. The petitioner has got 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. He relies on the judgment of ***Indresh Kumar vs. The State of UP and Anr*** passed in ***Cr. Misc. No. 938 of 2022***.

6. Considering the facts and circumstances of case and the judgment of ***Indresh Kumar*** (supra), I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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