

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38006 of 2023

Arising Out of PS. Case No.-773 Year-2022 Thana- GOPALGANJ TOWN District-
Gopalganj

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Dina Prasad @ Dinanath Prasad Yadav Sons Of Sitaram Prasad Yadav
Resident Of Village Bishambharpur Dharam Parsa P S Manjagarh District
Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhiraj Nath Tiwary Son Of Baliram Nath Tiwary Resident Of Village And
Post- Cheetakhal, Ps- Dukhani, District- Siwan

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No.5
For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Gopalganj
Town P.S. Case No. 773 of 2022 registered for the offences
punishable under Sections 406, 420, 379, 120B of the Indian
Penal Code pending in the Court of learned Chief Judicial
Magistrate, Gopalganj.

3. The informant alleged that 28 tons of paddy was
loaded on the truck of the petitioner and the same has been
misappropriated by the petitioner in connivance with his driver.

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 occurrence took place on 22.08.2022 and the FIR was lodged on 21.09.2022 i.e. after delay of one month and there is no explanation regarding the delay, which creates serious doubt on the prosecution case. The petitioner has got no criminal antecedent as mentioned in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for anticipatory bail and submits that the petitioner is also involved in the present case and there is ample evidence against the petitioner in the case diary. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case and the nature of the offence, 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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