

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51835 of 2023**

Arising Out of PS. Case No.-844 Year-2022 Thana- NAUBATPUR District- Patna

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Guddu Kumar @ Guddu Halwai @ Shankar Son Of Late Narayan Sao
Resident Of Village- Majhanpura, Ps- Bikram, Distt- Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 19-08-2023 Heard learned Counsel for the petitioner and learned

APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 457 & 380 of the Indian Penal Code.

3. As per the prosecution, the allegation of house trespass against the three accused persons.

4. Counsel for the petitioner submits that the allegation in the F.I.R. is that 4 – 5 persons entered into the house of the informant and out of them, two persons were caught red handed and upon their disclosure, the name of present petitioner has figured in the F.I.R..

5. Counsel for petitioner submits that petitioner is innocent and has committed no offence. He submits that petitioner has not been apprehended from the place of occurrence rather his name has come in this case by virtue of

confessional statement of the apprehended persons.

6. Upon query, counsel for petitioner submits that there are 2 cases pending against the petitioner.

7. Learned APP for the State opposes the prayer for bail and submits that the accused persons were apprehended from the place of occurrence and disclosed the name of petitioner about his involvement. Counsel submits that the criminal antecedent of the petitioner is not clean and he is accused in two more cases of similar nature.

8. In the facts and circumstances and the submissions made above, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Naubatpur P.S. Case No. 844 of 2022 to the satisfaction of learned A.C.J.M.- VI, Danapur.

9. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

10. However, the learned Court below shall consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks.

11. The present order shall not cause any prejudice to the petitioner.

(Dr. Anshuman, J.)

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