

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49650 of 2023

Arising Out of PS. Case No.-297 Year-2015 Thana- CHHATAUNI District- East Champaran

MD SADIQUE S/O NAZIR AHAMAD R/O VILLAGE- GAVANDRA, PS.
KUNDWACHAINPUR, DIST. EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 17-10-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Chhatauni P.S. Case No.297 of 2015, registered for the offence punishable under Sections 379 of the Indian Penal Code.

3. The allegation against the petitioner is that he and other accused persons stole several motorcycles and sold them in Nepal.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. Petitioner is not named in the FIR and his name transpired in the present case only on the basis of statement of co-accused, namely, Dheeraj



Kumar. There is no recovery of any incriminating article from the conscious possession of the petitioner. He filed a supplementary affidavit and stated that earlier the petitioner was in judicial custody but police did not took remand against the petitioner in the present case. He further submits that by the order 28.04.2022, I.O. of the present case filed a petition and prayed to remand the petitioner who was in judicial custody in connection with Chhatauni P.S. Case No.269 of 2015, the entire order sheet is enclosed by the learned counsel for the petitioner. A copy of the supplementary diary is submitted by the IO and after going through the said case diary the Court has not found any evidence showing involvement of the petitioner. On the basis of supplementary case diary, warrant was issued against the petitioner and the anticipatory bail of the petitioner was rejected by the learned Sessions Judge on 02.11.2022. Petitioner has three criminal antecedent, which is also mentioned in para-3 of the bail application.

5. Learned Additional Public Prosecutor for the State opposed the prayer for anticipatory bail by submitting that there is ample evidence against the petitioner in the case diary.

6. Having regard to the facts and circumstances of the case as well as considering the nature of offence, I am not



inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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