

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49063 of 2023

Arising Out of PS. Case No.-139 Year-2022 Thana- SIKARPUR District- West Champaran

Kishor Kumar @ Kishori Kumar @ Kishoree Mahto @ Kishori Mahto S/O
Benga Mahto @ Nandkishor Mahto @ Nandkumar Mahto R/O Villag- Ward
No. 12, Bajada, P.S- Sahodara, Distt.- West Champaran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-08-2023 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 and 380 of the Indian Penal Code.

3. The accusation is of committing theft in the house of the informant, leading to registration of FIR against unknown.

4. Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Moreover, the petitioner is not named in the FIR, his name has been dragged in the present case on the basis of confessional statement of co-accused during course of investigation. It is

further submitted that there is no recovery from the possession of the petitioner.

5. Learned APP for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean.

6. 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 Shikarpur P.S. Case No. 139 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran.

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

8. However, the learned Court below shall consider the prayer for regular bail of the petitioner, preferably on the same day, if he surrenders within a period of six weeks and seeks regular bail.

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

(Dr. Anshuman, J.)

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