

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52648 of 2022

Arising Out of PS. Case No.-96 Year-2022 Thana- JOKIHAT District- Araria

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RASHEED @ MD. RASIF Son of Jumman R/V- Bagdahra, Ward No. 6, P.S-
Jokihat, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Renu Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 23-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case
registered for the offences punishable u/s 392 and 412 read with
section 34 of the Indian Penal Code.

As per the prosecution case, three miscreants boarded
on motorcycle intercepted the Bolero pickup and started
assaulting the informant and got him down. They also snatched
Rs. 4,000 and fled away with the said loaded Bolero pickup.
Then, the police started searching the said vehicle and it was



found near Bagdhara Hatia, where some persons were engaged in unloading the articles from the said vehicle. On seeing the police party, they started fleeing away but on chase one person was apprehended on spot who disclosed the name of the petitioner as Rashid and he also disclosed the names of the other co-accused persons as Moid, Karul and Margub. The other stolen articles were recovered from the *Barandah* of the co-accused Moid.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The name of the petitioner has transpired on the basis of disclosure of the apprehend person. The petitioner has no concern with the said recovery. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner has submitted that the petitioner has no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner suppressed the criminal antecedent as he is accused in one more case bearing Jokihat P.S. Case No. 342 of 2019,

Considering the aforesaid facts and circumstances of



the case as well as the suppression of criminal antecedent, I am of the view that no case for grant of anticipatory bail is made out and the same is rejected with direction to the petitioner to surrender before the Court below concerned within six weeks from the date of this order and the prayer for regular bail, the learned Court below shall consider his prayer for regular bail in accordance with law without being prejudiced by this order.

The application stands rejected.

(Chandra Prakash Singh, J)

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