

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54082 of 2022

Arising Out of PS. Case No.-110 Year-2022 Thana- BIHIA District- Bhojpur

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JAI PRAKASH TIWARI S/O LALAN TIWARI Resident of village- Teghra,
P.S.- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Lakshmi Kant Sharma, Adv.
For the Opposite Party/s :		Mr. Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-03-2023 Heard learned Senior counsel for the petitioner and

learned APP for the State.

Learned senior counsel for the petitioner undertakes

to remove the defects within three weeks.

The petitioner is apprehending his arrest in a case

registered for the offence punishable under Sections 461 and

379 of the Indian Penal Code pending in the learned court

below.

Allegation against the petitioner is that he has stolen

materials from godown of worth Rs.2.50 Lacs.

Learned counsel for the petitioner submits that the

petitioner is innocent and has been falsely implicated in this

case. He further submits that from the CCTV footage it came



that the petitioner is taking the materials from the godown but the informant has not presented the CCTV footage in which it shows the work of the godown and it will also shows that the petitioner deposited all the material to the godown manager for delivery. He submits that the informant did not disclose that the petitioner has stolen the material of godown only it shows that the petitioner has taken the material. He further submits that the petitioner has deposited all the materials in the godown for the delivery. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submitted that the witnesses have supported the prosecution case and from perusal of the case diary it is crystal clear that the petitioner has stolen the materials from the godown. Hence, he does not deserve anticipatory bail.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Bihiya P.S. Case No. 110/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today



and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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