

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55795 of 2023

Arising Out of PS. Case No.-66 Year-2021 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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Binay Kumar S/O - Rajendra Prasad R/O Village - Karingapur, P.S. - Manpur,
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binit Kumar, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 365 and 379 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, a trailer carrying 700 bag Ultra Tech Cement proceeded to Bhagalpur through Daniyawan. On 03.04.2021 at about 5:00 hours, the informant had conversation with the driver of vehicle, namely, Anil Singh. Thereafter there is no trace of vehicle as well as the owner. The informant apprehends that some untowards has happened with the driver and its driver.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. He further submits that on the basis of the confessional statement of the co-accused, petitioner has been made accused in this case. He submits that the petitioner has no connection with the alleged driver Anil Singh and he has no acquaintance with him and he did not purchase anything from the alleged Anil Singh. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the allegation levelled as the petitioner is serious in nature. Hence, he does not deserve anticipatory bail.

6. Considering the nature of the offence, I am not inclined to enlarge the petitioner on bail in connection with Shekhopur Sarai P.S. Case No. 66/2021. Accordingly, his prayer for anticipatory bail is hereby rejected.

7. 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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