

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59743 of 2022

Arising Out of PS. Case No.-69 Year-2022 Thana- BITHAN BAZAR District- Samastipur

ABHISHEK KUMAR S/O LATE OM PRAKASH PURVE Resident of Ward
No- 02, Bithan, P.S.- Bithan, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-01-2023 Heard both sides.

The petitioner apprehends his arrest in connection with Bithan P.S. Case No.69 of 2022, registered for the offences punishable under Sections 457 and 380 of the Indian Penal Code.

The informant alleged that in the night of 26.04.2022, co-accused, Chandan Kumar entered into his house and shop and stole ornaments made of gold and silver. He also took away Rs.15,000/- cash. When the informant went to the house of co-accused, Chandan Kumar and searched his pocket, silver ornaments were recovered from his pocket. When the informant enquired about his other ornaments, co-accused, Chandan Kumar replied that some ornaments were given to the petitioner.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that no incriminating article has been recovered from conscious possession of the petitioner.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, if petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner preferably on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

S.KUMAR/-

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