

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68855 of 2022

Arising Out of PS. Case No.-245 Year-2017 Thana- SONBERSA District- Sitamarhi

BHUSHAN RAM Son of Santosh Ram R/V- Naranga, P.S- Bela, Dist-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 19-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 392 of the Indian Penal Code pending in the learned court below.

As per the prosecution case, three persons are said to have assaulted the informant and snatched about Rs.1,35,000/- which had been collected by the informant from different shopkeepers relating to sale of Rakesh Mashala.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner is not named in the FIR on the basis of the confessional statement of the co-accused the petitioner was made accused in this case. He



submits that there is no any incriminating articles has been recovered from the conscious possession of the petitioner. 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 opposes the bail application and relies upon the judgment of the Hon'ble Apex Court in the case of "*Indresh Kumar versus The State of Uttar Pradesh & Anr. Reported in Criminal Appeal No.938 of 2022 (Arising out of SLP (Crl) No.4982/2022)*". Hence, he does not deserve anticipatory bail.

Considering the judgment of the Hon'ble Apex Court, I am not inclined to enlarge the petitioner on bail in connection with Sonbarsa P.S. Case No. 245/2017. 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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