

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69330 of 2022

Arising Out of PS. Case No.-662 Year-2020 Thana- SUGAULI District- East Champaran

BRIJ KISHORE MAHTO @ BRIJ KISHORE KUMAR Son of Rameshwar
Mahto Resident of Village and Post Office - Phulwariya, Police Station -
Sugauli, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-01-2023 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 395 and 397 of the
Indian Penal Code.

As per the FIR, on 29.12.2020, six unknown miscreants
overtook the truck loaded with 500 bags of sugar and assaulted
the driver (informant) and thereafter, they snatched keys of the
truck along with cash of Rs. 60,000/- and a mobile from the
informant and fled away with the alleged truck loaded with
sugar.

Learned counsel for the petitioner submitted that the
petitioner is quite innocent and has committed no offence. He



has been falsely implicated in this case. Neither alleged looted articles nor any incriminating article has been recovered from possession of the petitioner. The allegations levelled against the petitioner is general and omnibus in nature. It is further submitted that petitioner is not named in the FIR, rather his name has been transpired in the present case only on the basis of confessional statement of co-accused Sanjeet Kumar. He further submits that the similarly situated co-accused has been granted anticipatory bail by the Co-ordinate Bench of this Court in Cr. Misc. No. 65425 of 2021 vide order dated 06.07.2022. Petitioner has no criminal antecedent.

Per contra, learned APP for the State vehemently opposing the bail petition submitted that petitioner is involved in this case, hence he does not deserve anticipatory bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

Accordingly, this application stands dismissed.

However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail and the learned Court below shall pass order, preferably on the same day, in accordance with law considering the fact that the



similarly situated co-accused has been granted anticipatory bail
by the co-ordinate Bench of this Court.

(Anjani Kumar Sharan, J)

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