

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70362 of 2022

Arising Out of PS. Case No.-302 Year-2022 Thana- RAFIGANJ District- Aurangabad

Om Prakash Kumar S/O Yogendra Paswan R/O Village- Nawada, P.S.-
Sherghati, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan

For the Opposite Party/s : Mr. Pushpa Sinha.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 413, 414, 420, 468, 34 of the Indian Penal Code.

As per FIR, petitioner along with other accused persons are engaged in stealing and selling the motorcycle.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner has been made accused in this case on the basis of confessional statement of co-accused which has no evidentiary value in the eye of law. He submits that similarly situated co-accused has already been granted bail by a Bench of this Court. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.



Learned APP for the State opposes the prayer for bail and submits that the petitioner was also involved in the present case.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Rafiganj P.S. Case No. 302 of 2022.

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

(Anjani Kumar Sharan, J)

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