

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78031 of 2023

Arising Out of PS. Case No.-328 Year-2023 Thana- NARPATGANJ District- Araria

MD. MASRUD @ MD. MASRUDDIN son of Md. Rojit @ Md. Rojid
Village- Baghla Babhaganwa Po- Baghla Ps- Triveniganj Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar, Adv.
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Narpatganj P.S.
Case No. 328 of 2023 registered for the offences punishable
under Sections 395, 397, 412 of the Indian Penal Code.

3. Allegedly, all the accused persons including the
petitioner are said to have stopped the said pickup Van and
unloaded the luggage from it and loaded the same on the tempo.
After seeing the police, they tried to flee away, but one of them
got apprehended on the spot and disclosed the name of the
escaped persons.

4. It is submitted by learned counsel for the petitioner



that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. Nothing has been recovered from the physical possession of the petitioner. He was not apprehended on spot. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State vehemently opposing the bail petition submitted that petitioner was also involved in the alleged occurrence. He relied upon the judgment of the Apex Court in the case of **Indresh Kumar v/s. The State of UP & Anr.**, reported in Criminal Appeal No. 938 of 2022.

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

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail,



the learned Court below shall pass order on the same day in
accordance with law without being prejudiced by this order
considering the fact that petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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