

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1032 of 2023

Arising Out of PS. Case No.-330 Year-2021 Thana- NARHATT District- Nawada

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RAJNISH KUMAR S/O ENGLISH PRASAD R/V- RABIO, P.S.- SIRDALA,
DISTRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Shrivastava, Adv.

For the Opposite Party/s : Mr.Ram Naresh Ray, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 394 of the Indian
Penal Code.

Allegedly, petitioner along with other accused persons
surrounded the informant and looted his mobile, laptop,
keyboard etc.

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. Petitioner has been
falsely implicated in this case. His name has been transpired in
this case merely on suspicion. Petitioner has no concern with
other co-accused persons. No looted article has been recovered



from the conscious possession of the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. 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.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of case as well as the nature of the offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, if petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below will pass order in accordance with law without being prejudiced by this order on the very date of surrender.

(Anjani Kumar Sharan, J)

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