

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10861 of 2024

Arising Out of PS. Case No.-590 Year-2023 Thana- GARDANIBAG District- Patna

Prince Kumar @ Prince Kumar Yadav Son of Sunil Kumar R/o B.K. dutta
Lane, New Area, P.s. - Jakkanpur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Gardanibagh
P.S. Case No. 590 of 2023 registered for the offences
punishable under Section 392 of the Indian Penal Code.

3. As per the prosecution case, on 16.08.2023 at about 3
A.M, when the informant after giving delivery of Swiggy was
going on his scooty from Patliputra-Boring Road, Patna towards
DVC Chowk, Machhligali, New Jakkanpur, in the meantime,
three accused persons stopped his scooty and looted him and
took away his scooty as well as two mobile phones from his
possession.

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 police mechanism. The allegation levelled against the petitioner is totally false and based on concocted facts. He is not named in the FIR. He was neither apprehended on the spot nor any incriminating article has been recovered from his possession. The name of the petitioner has been transpired in the present case merely on the basis of the confessional statement of co-accused Dablu Kumar due to previous enmity. It is further submitted that CCTV Camera has also been recovered by the police and from CCTV camera, it is evident itself that the petitioner was not present at the place of occurrence. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that the petitioner along with other co-accused were actively involved in the alleged occurrence. He relies 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. Having regard to the facts and circumstances of the case as well as considering the nature of offence, I am not inclined to enlarge the petitioner on anticipatory bail.



7. The prayer for anticipatory bail of the petitioner is hereby rejected.

8. However, if 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 is not named in the FIR and he has no criminal antecedent.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

