

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20846 of 2024

Arising Out of PS. Case No.-403 Year-2023 Thana- BETTIAH CITY District- West
Champaran

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Durgesh Kumar Son of Jokhu Bhagat Resident of Village- Kohra Tola, Ward
No. 18, P.S.- Nautan, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raki Alam, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection
with Bettiah Town P.S. Case No. 403 of 2023 for the offence
punishable under Section 379 of the Indian Penal Code.

3. As per the prosecution case, the motorcycle of the
informant was stolen from market by unknown thief.
Subsequently the name of the petitioner transpired during the
course of investigation for being involved in the theft.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. For the same occurrence two FIRs have been registered.
Bettiah Mufassil P.S. No. 357 of 2023 has been instituted under
Sections 379 and 411 of the Indian Penal Code in which the
petitioner has been enlarged on bail by this Court in Cr. Misc.



No. 59964 of 2023. After release from custody, the petitioner came to know about the present case. Learned counsel further submits that the petitioner was not apprehended from the spot and he has been made accused in this case merely on suspicion.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner who submits that the complicity of the petitioner has been proven as he was found riding the stolen motorcycle for which Mufassil P.S. Case No.357 of 2023 was registered under sections 379 and 411 of the Indian Penal Code.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation against the petitioner, I do not think it is a fit case for grant of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is rejected

(Arun Kumar Jha, J)

Prakash/-

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