

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31423 of 2024

Arising Out of PS. Case No.-363 Year-2023 Thana- BIRAUL District- Darbhanga

Praveen Kumar SON OF NARESH YADAV RESIDENT OF VILLAGE-
KIRATPUR, PS- GHANSHAYAMPUR, DIST- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jaishankar Kumar Yadav, Adv.

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Biraul P.S. Case No. 363 of 2023 registered for the offence punishable under Section 379 of the Indian Penal Code.

3. As per prosecution case, on 25.06.2023 the informant parked his motorcycle in the campus of furniture shop. On 26.06.2023 when he woke up, he did not find his motorcycle there. Hence, FIR has been registered against unknown.

4. Learned counsel for the petitioner submits that



petitioner is not named in the FIR as FIR has been registered against unknown. He further submits that it is mentioned in the impugned order that upon the confessional statement of co-accused Sunil Kumar Yadav name of petitioner has been surfaced in this case. He further submits that confessional statement before police has no legal value in the eye of law. No incriminating article has been recovered from conscious possession of the petitioner and hence, petitioner deserves anticipatory bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that petitioner carries three criminal antecedent of similar nature. Hence, he does not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of the case as well as this aspect of the matter that petitioner carries three criminal antecedent of similar nature and also taking into consideration the material available on record, I am not inclined to grant privilege of anticipatory bail to petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is, hereby, rejected.

7. However, petitioner is directed to surrender before the concerned court within two weeks from the date of receipt



of this order. If petitioner surrenders and seeks regular bail, the concerned court may pass an appropriate order on the day of hearing.

(Alok Kumar Pandey, J)

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