

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35544 of 2024

Arising Out of PS. Case No.-414 Year-2022 Thana- BELAGANJ District- Gaya

Umesh Kumar @ Ghansheyam Yadav Son of Late Ramdeo Yadav Resident of
Village- Tegaini, P.S. - Fatehpur, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Onkar Nath, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Belaganj P.S. Case No. 414 of 2022(G.R. No.-4639/2022) registered for the alleged offence under Sections 379 of the Indian Penal Code.

03. As per prosecution case, unknown miscreants committed theft of the motorcycle of the informant in the night. The name of the petitioner transpired during investigation as one of the accused involved in stealing the motorcycle of the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the F.I.R. itself it is apparent that F.I.R. has been registered

against unknown and name of the petitioner came up in the case as the same motorcycle (Reg.No. BR-02A-4533) was seized by police in Fatehpur P.S. Case No. 567 of 2022. However, there is no recovery at the instance of the petitioner and there is no eye witness to the occurrence. The petitioner has antecedent of two cases which are under Excise Act in which the petitioner is on bail.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned A.P.P. submits that the petitioner was apprehended smuggling illicit liquor on motorcycle which was stolen motorcycle of this case.

06. Having regard to the fact that petitioner was apprehended with the motorcycle said to be stolen and is also having criminal antecedents, I do not think it is fit case for grant of anticipatory bail. Hence, the prayer for anticipatory bail of the petitioner is rejected.

(Arun Kumar Jha, J)

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