

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41197 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- BIHTA District- Patna

Nitish Kumar Son Of Lalu Roy Resident Of Village - Daulatpur, P.S. - Bihta,
District - Patna (Bihar)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Ms.Veena Kumari Jaiswal

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Bihta P.S. Case No. 128 of 2024 instituted for the offences under Sections 401, 413 and 414 of the Indian Penal Code.

3. As per prosecution case, the allegation against the petitioner is of being involved in the theft and selling of the said motorcycle.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. The petitioner has nothing to do with the said occurrence and has no criminal antecedent. The name of the



petitioner has come into light on the basis of confessional statement of co-accused. There is no compliance of Section 100 of the Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that petitioner is named in the FIR and he has been involved in theft of motorcycle and sell the same. Hence, the petitioner does not deserve anticipatory bail. Co-accused has been granted regular bail by this Court vide order dated 26.04.2024 passed in Cr. Misc. No. 32134 of 2024.

6. Considering the aforesaid facts and circumstances of the case and the fact that petitioner has involved in theft of motorcycle, this Court is not inclined to grant anticipatory bail to the petitioner.

7. The prayer is rejected.

8. However, if the petitioner surrenders and prays for regular bail, the same shall be considered by the Court below on its own merit without being prejudiced by this order of rejection.

(Rudra Prakash Mishra, J)

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