

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45349 of 2024

Arising Out of PS. Case No.-694 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Badal Kushwaha @ Badal Kumar, S/o- Bhushan Prasad, resident of Village-
Godhwa, P.S- Muffasil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rashmi Jha, Advocate Mr.Abhishek Kumar, Advocate
For the Opposite Party/s :		Mrs.Nirmala Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Mufassil P.S. Case No. 694 of 2023, registered for the alleged offences under Sections 399 and 402 of the Indian Penal Code.

3. As per prosecution case, police received information about the petitioner and other co-accused persons making plan for committing robbery/*dacoity*. A raid was conducted and 5 persons were found talking with each other. On seeing the police party, they tried to escape on two motorcycles. Two persons were apprehended and three persons fled away from another motorcycle. The apprehended co-accused persons



named the petitioner, who fled away on another motorcycle along with other persons not known to the co-accused, who disclosed the name of the petitioner.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from the person/possession of the petitioner. The name of the petitioner came up in the confessional statement of apprehended co-accused persons. Save and except confessional statement of co-accused persons, there is no substantive material against the petitioner to show his complicity. The learned counsel further submits that the petitioner is having criminal antecedent of three cases of different nature and he is on bail in such cases.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that the petitioner appears to be habitual offender and is involved in serious nature of cases.

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 coupled with his criminal antecedents, I do not find it is a fit case for grant of



anticipatory bail to the petitioner.

7. Accordingly, his prayer for grant of anticipatory bail is rejected.

V.K.Pandey/-

(Arun Kumar Jha, J)

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