

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51418 of 2024

Arising Out of PS. Case No.-141 Year-2012 Thana- PATAHI District- East Champaran

Sanjeev Kumar @ Sanjeev Rai Son of Late Ram Sanehi Rai @ Sipahi Rai
Village- Kahtarwa, P.S.- Fatehpur, District- Sheohar

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwari

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Patahi P.S. Case No. 141/2012, G.R. Case No. 1645 of 2012 registered for the offences punishable under Section 395 of the Indian Penal Code.

3. As per prosecution case, some unknown miscreants committed *dacoity* in the house of the informant and took away about Rs. 70-80 thousand in cash from the box which was kept inside the room, 10 bhar gold ornament, 500 gram Silver ornament, utensils and several other articles amounting to Rs. 50,000/-. Further, they also snatched ornaments of nose and ear from informant's daughter-in-law. Thereafter, they also took away Rs. 8500/- in cash and one mobile phone of the informant



and thereafter, they put the informant, his daughter-in-law, his grand son and grand daughter inside the room and locked the gate from outside. They also entered in the khalihan of his neighbour Fulegan Sah and took away Rs. 1,000/- in cash and electricity bill from the pocket of Fulegan Sah. Thereafter, the miscreants fled away.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. Learned counsel submits that on the basis of confessional statement of co-accused Mohammed Guddu, the name of the petitioner has been transpired in this case on 14.02.2013 i.e. after one month and twenty days from the date of occurrence. Petitioner bears criminal antecedent of seven cases out of which in four cases, he got acquittal and in three cases he is on bail. He further submits that petitioner has been roped in a case one after another in a routine manner without any basis. Except confessional statement of co-accused which is belatedly confessed after one month and twenty days from the date of occurrence dated 25.12.2012, there is nothing on record to demonstrate the complicity of the present with the alleged occurrence. Learned counsel has fairly submitted that investigation against the petitioner is still going on.

5. The learned A.P.P. for the State opposes the



prayer for anticipatory bail of the petitioner by submitting that petitioner bears criminal antecedents of similar nature of cases. Hence, petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the present case, material available on record as well as petitioner bears criminal antecedents of similar nature of cases, I am not inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, prayer for anticipatory bail of the petitioner stands rejected.

7. However, the petitioner is directed to surrender before the concerned court within six weeks from the date of receipt of the order. If petitioner surrenders and seeks regular bail, the concerned court may pass an appropriate order on the day of hearing without being prejudiced by order of this Court.

(Alok Kumar Pandey, J)

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