

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53034 of 2024

Arising Out of PS. Case No.-12 Year-2020 Thana- AGIAON District- Bhojpur

Om Kumar @ Rishu @ Om Kumar Gupta son of Jitendra Kumar Gupta
Village- Ara Nawada Near Middle School Karman Tola PS Ara Nawada Dist-
Bhojpur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Singh

For the Opposite Party/s : Mr. Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioner and learned A.P.P. for
the State

2. The petitioner apprehends his arrest in Agiaon (Garahani)
P.S. Case No.12 of 2020 registered for the offences punishable
under Section 392 of the Indian Penal Code and Section 27 of
the Arms Act, pending in the Court of learned ACJM-VIII,
Bhojpur at Ara.

3. Two unknown miscreants are said to have snatched the
motorcycle and mobile phone of the informant on the point of
pistol.

4. It is submitted by learned counsel for the petitioner that no
such occurrence as alleged ever took place. He has been falsely
implicated in this case. It is further submitted that the name of
the petitioner transpired in the case on the confessional
statement of co-accused, namely, Guddu Kumar, which has no



evidentiary value in the eye of law. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has three criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State vehemently opposing the bail petition submitted that considering the nature of the offence and the criminal antecedents, the petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of case as well as the fact that petitioner bears three criminal antecedents and out of three two are of similar nature of the offence and in view of the judgment passed in the case of **Indresh Kumar Vs. The State of U.P. & Anr.** (Criminal Appeal No.938 of 2022), I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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