

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59727 of 2024

Arising Out of PS. Case No.-874 Year-2022 Thana- ARARIA District- Araria

Rahim, aged about 42 years (male), son of Samim, R/o village- Mirjabhag,
Ward No. 03, Belwa, P.S. Araria, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Leelawati Kumari, Advocate
		Mr. Aman Vishal, Advocate
For the Opposite Party/s	:	Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Araria PS Case No.874 of 2022 dated 15.10.2022, instituted
under Section 380 of the Indian Penal Code.

3. The allegation is of committing theft in the house
of the informant. FIR has been lodged against unknown persons.
Certain stolen articles have been recovered from the house of
the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. It is also submitted that the petitioner is not named in the
FIR. Only on the basis of suspicion, the petitioner has been



made accused in this case. FIR has been lodged after delay of two days without any plausible explanation for such delay. It is further submitted that the petitioner was not present at the time of search and seizure and seizure list was prepared in absence of the petitioner without complying the provision of Section 100 Cr.P.C.

5. Learned APP has opposed the prayer for anticipatory bail. Learned APP further submits that stolen articles have been recovered from the house of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties coupled with the fact that stolen articles have been recovered from the house of the petitioner, I am not inclined to extend the privilege of anticipatory bail to the petitioner.

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

8. The application stands dismissed.

(Khatim Reza, J)

J. Alam/-

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