

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69737 of 2023

Arising Out of PS. Case No.-434 Year-2023 Thana- FATUA District- Patna

Ashok Ray S/O Sahdev Ray R/O Village- Belhar, Darihara Nirsakh, Saran,
P.S.- Chapra, District- Chapra (SARAN)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nalin Kumar
For the State	:	Mr. Zainul Abedin
For the Informant	:	Mr. Chandrasekhar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 09-04-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in Fatuha P.S.
Case No. 434 of 2023 registered for the offences punishable
under Sections 406, 420, 379/34 of the Indian Penal Code.

3. It is alleged that the petitioner along with other
accused persons have committed criminal breach of trust, theft
and cheating with the informant and the company, namely, Shiv
Shiva Rolling Mill TMT Shariya Co. It is further alleged that
the petitioner and other co-accused repeatedly changed their
driver of the alleged truck by which material loaded upon the
truck was carried forward from one place to other place. In the
meantime, all the materials have been embezzled by the



accused persons during load and unload of the iron material.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that that petitioner know nothing about the said truck and the TMT Saria because the petitioner is neither the owner nor the driver of the alleged truck. He further submits that the petitioner has been falsely implicated in the present case merely on suspicion. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State and learned counsel for the informant opposed the prayer for anticipatory bail and submitted that petitioner is also involved in the present case. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. 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 on the



same day in accordance with law without being prejudiced by
this order.

(Anjani Kumar Sharan, J)

anand/-

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