

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73056 of 2023

Arising Out of PS. Case No.-322 Year-2023 Thana- NAUTAN District- West Champaran

SHAMI BASAR S/O Shekh Noor Basar R/O Village- Beldari, Ward No. 35,
Police Station- Bettiah Muffasil, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Brij Kishor Mishra, Advocate
For the State : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-02-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 379 and 411 of the Indian Penal Code.

3. As per prosecution case, this petitioner, along with other accused persons, is alleged to have recovered a stolen a buffalo from the pickup van of the petitioner.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner has been made an accused in this case merely because he happens to be owner of the vehicle in question. It is next submitted that the petitioner was neither apprehended on the spot nor any stolen buffalo has been recovered from the physical possession of the petitioner.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of anticipatory bail. It is submitted that there is specific accusation that this petitioner stole the buffalo and the same was recovered from the petitioner’s pickup van. It is next submitted that the petitioner also has three criminal antecedents out of which two are of similar nature.

6. Considering the aforesaid facts and circumstances, nature of accusation and criminal antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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