

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75720 of 2024

Arising Out of PS. Case No.-159 Year-2024 Thana- KHAJAUJI District- Madhubani

Murari Yadav Son of Pitambar Yadav R/O Vill.- Biraul, P.S.- Khajauli, Dist.-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2024 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The present Cr. Misc. Application No. 75720 of 2024 has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Khajauli P.S. Case No. 159 of 2024, dated 01.08.2024, pending before the Court of Judicial Magistrate 1st Class, Madhubani, lodged under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as "BNS, 2023") and later on added section 317(2) of the BNS, 2023.

3. As per the prosecution, FIR has been lodged against



unknown accused persons against whom there is an allegation that they have stolen the informant's motorcycle.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that petitioner is not named in the FIR and his name has been figured in this case only by virtue of the confessional statement of the co-accused from whose possession, motorcycle was recovered which was subject to theft. Counsel further submits that nothing incriminating has been recovered from petitioner's possession. Counsel submits that the criminal antecedent of the petitioner is not clean as there is one criminal case pending against him in which he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean as he is also accused under section 307 of the I.P.C.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. It is directed to the petitioner to surrender before the learned Court below within a period of 4 weeks from today. In case, the petitioner surrenders within four weeks, then the



Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court.

(Dr. Anshuman, J)

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