

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 83950 of 2023

Arising Out of PS. Case No.-262 Year-2021 Thana- SIKTI District- Araria

Baijnath Sharma @ Baidyanath Sharma S/O Bhola Mistri @ Bhola Sharma
R/O Village- Sikti, Ward No-6, P.S- Sikti, Distt.- Araria.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-01-2024 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with Sikt P.S. Case No. 262 of 2021 dated 30.12.2021, registered for the offence punishable u/s 413, 414, 420, 467, 468, 471 of the IPC and u/s 3/10 of Conversion of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 and u/s 3/13 of Foreign Exchange Management Act, 1999, pending in the court of learned S.D.J.M., Arari.

3. As per the F.I.R., the allegation against the petitioner is that he along with other co-accused persons has involved in smuggling of Indian and Nepali currency.

4. The petitioner is quite innocent and has been falsely implicated in this case due to previous grudge. The allegations



levelled against the petitioner is general and omnibus in nature. The petitioner is not named in the F.I.R. and nothing incriminating articles has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged occurrence. Petitioner has been made accused in the present case only on the confessional statement of co-accused Parwez Alam.

5. Per contra, learned APP for the State vehemently opposing the bail petition submitted that it is not the fit case to grant anticipatory bail because the allegations levelled against the petitioner is serious in nature, hence he does not deserve anticipatory bail.

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

7. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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