

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82272 of 2024

Arising Out of PS. Case No.-195 Year-2024 Thana- KAMTAUL District- Darbhanga

Md. Kale S/o Md. Sabir Hussain R/o Village - Raipur P. S. - Manpur, Dist. -
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Kamtaul P.S. Case No. 195 of 2024 registered for the offences
punishable under Sections 334(1), 303(2), 317(2) of the BNS.

3. As per FIR, two miscreants are said to have stolen 19
mobile phones kept in the shop of the informant.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No
such occurrence as alleged has ever taken place. No any
incriminating article has been recovered from the conscious
possession of the petitioner or from his house. He has falsely
been implicated in this case due to ulterior motive. The
allegation levelled against the petitioner is totally false and



based on concocted facts. He is not named in the FIR. His name has been transpired in the present case merely on the basis of the confessional statement of the apprehended accused, namely, Dinesh Chaupal which has no evidentiary value in the eye of law. Learned counsel further submits that petitioner has no concern with the alleged occurrence and he has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case as well as 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. Accordingly, the application stands dismissed.

8. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order considering the fact that petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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