

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87179 of 2024

Arising Out of PS. Case No.-1004 Year-2023 Thana- DANAPUR District- Patna

Md. Nasruddin S/O Late Md. Nizamuddin R/O Mohalla - Dargah Road,
Karbala, Ps-Sultanganj, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul
Mr. Mahtab Alam
For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Danapur
P.S. Case No. 1004 of 2023 registered for the offences
punishable under Section 392 of the Indian Penal Code.

3. The prosecution case, in brief, is that the
informant was coming from Gola Road towards Military
Hospital, Danapur in Auto no. BR01PP-5825 and when the
auto was 100 meters behind from the Saguna More, two
persons sat in the said auto. It is alleged that they snatched her
ear bali and gold chain. When she shouted for help, they got
down from the auto and the auto driver flew away with the auto
key.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to high handedness of police merely being son-in-law of the owner of the seized auto. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that, on the basis of confessional statement of apprehended co-accused, stolen article has been recovered from the house of the petitioner. The petitioner lives in the house of his father-in-law. He further submits that petitioner is a cancer patient, therefore, he prays for anticipatory bail. The petitioner has two criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that the 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 fact that recovery was made from the house of father-in-law of the petitioner and the petitioner is also involved in the present case, 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 seeks regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order, considering the fact that petitioner is a cancer patient.

(Anjani Kumar Sharan, J)

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