

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85189 of 2024

Arising Out of PS. Case No.-280 Year-2024 Thana- CHHATAPUR District- Supaul

Neeraj Kumar Mehta @ Niraj Kumar @ Niraj Kumar Mehta Son of Chunu Mehta @ Om Prakash Mehta Resident of Village- Chunni Ward No. 04, P.S.- Chhatapur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

2. The petitioner apprehends his arrest in connection with Chhatapur P.S. Case No. 280 of 2024 registered for the offences punishable under Sections 304(2), 317(2) of the B.N.S.

3. Allegedly, all the FIR named accused persons including the petitioner are said to have snatched mobile phone from the possession of the informant. One co-accused person, namely, Manjaish Yadav was apprehended on the spot and disclosed the names of the petitioner and other co-accused person as his associates, who got succeeded in fleeing away.

4. It is submitted by learned counsel for the petitioner



that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. 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. He is neither the driver nor the owner of the motorcycle used by the accused persons in the commission of crime. No incriminating article has been recovered from the conscious possession of the petitioner or from his house. There is no eye-witness to the alleged occurrence. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Learned counsel further submits that petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that on going through the case diary, it is transpired that the motorcycle used by the accused persons in the commission of crime was owned by this petitioner and he has also actively participated in snatching of the mobile phone of the informant. Hence, the petitioner does not deserve the privilege of anticipatory bail.



6. Considering the facts and circumstances of the case as well as the 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.

(Anjani Kumar Sharan, J)

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