

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2311 of 2018

Arising Out of PS.Case No. -171 Year- 2017 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

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1. Akbar Ali @ Akbar Mian, son of Vakil Mian, resident of village- Kairi
Tola, P.S.- Bettiah (Muffasil), District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 17-01-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Bhagwanpur**
P.S. Case No.171 of 2017 instituted for the offence under
Section(s) 379 Indian Penal Code.

There is allegation in the written report that the informant loaded glass worth rupees ninety six thousand and odd from Patna City on the Pickup Van, as mentioned in the written report, and proceeded for Motihari. Near Toll Tax Plaza at Raghuanthpur Chimani, he stopped the vehicle and went to attend call of nature. When he returned after attending call of nature, he did not find the vehicle. It has further been alleged in the written report that vehicle was registered in the name of Vikash Kumar. The informant searched the vehicle but could not



get the same.

Counsel for the petitioner has submitted that there is no recovery from his possession. He is not named in the First Information Report. Name of the petitioner has come on the basis of the confessional statement of co-accused-Sonu Kumar Singh.

Counsel for the petitioner has further submitted that from the seizure list at page 15 and 16, which is part of the First Information Report, it will appear that vehicle has been recovered in front of the house of Ved Prakash Yadav of village-Bhopatpur, P.S.-Kotwa, District- East Champaran, Motihari and the articles have been recovered from the PACS godown of Narayan Sah, situated in village-Ahwar Majahuriya, P.S.-Muffasil, District-Bettiah.

It is mentioned in para 3 that the petitioner has clean antecedents.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Bhagwanpur P.S. Case No.171 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief**



Judicial Magistrate, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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