

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61367 of 2018
Arising Out of PS. Case No.-182 Year-2018 Thana- UDWANTNAGAR District- Bhojpur

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Mustaque Kuraishi, Son of Late Maina @ Mune Kuraishi, Resident of
Mohalla- Chichktoli, P.S.- Jagdishpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jogendra Kumar, Adv.
For the Opposite Party/s : Mr. Sri Bisheshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 10-12-2018 Heard learned counsels for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offence punishable under Section 379 of the Indian Penal
Code.

The prosecution case got initiated on the basis of written
report dated 02.06.2018 submitted by Abdulla Ansari to the
Station House Officer, Udwantnagar Police Station is to the
effect that the petitioner, being the driver of the vehicle of the
informant, escaped after taking cash amount of Rs.3,00,000/-
while the son of the informant, namely Danish Ahmad entrusted



him to keep a watch over the money kept in the said vehicle and went in his room for keeping some articles.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true no offence under Section 379 is made out. It is further stated that for the alleged occurrence of 23.05.2018, the FIR was registered on 02.06.2018. In fact, the petitioner has maliciously been implicated in the present case when he demanded his due salary from the informant. There is no recovery of the said money from the possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioner of having escaped from the scene after taking Rs.3,00,000/- of the informant.

Considering the delayed lodging of the case, no recovery of money being made from the petitioner, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bhojpur at Ara in



connection with Udwant Nagar P.S. Case No.182 of 2018,
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Dinesh Kumar Singh, J)

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