

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67988 of 2018

Arising Out of PS. Case No.-151 Year-2017 Thana- BHAGWANPUR District- Vaishali

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Vikash Kumar, Son of Shyam Nandan Sah, Resident of Village-Hushena
Khurd, P.S. Goraul, Distt.-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 379 and 511 of the
Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 13.08.2017 submitted by Bhagya Narayan Singh to
the Station House Officer, Bhagwanpur Police Station to the
effect that on 13.08.2017 at 1.30 A.M., the neighbor of the
informant Satyanarayan Sah woke up at 1.30 PM and found
some persons cutting lock of the grocery shop of the informant,



thereafter, on alarm being raised, the accused persons escaped from the scene. The informant's neighbour identified five persons including the petitioner.

It is submitted by learned counsel for the petitioner that since the petitioner had some dispute with the informant from before for non-payment of contractual dues, hence, the accusation has been levelled. The FIR was registered on 13.08.2017, but it reached to the Court of learned Magistrate on 19.08.2017, which suggests that the FIR is antedated. 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 the petitioner was identified by the informant's neighbor.

Considering the delayed transmission of the FIR, 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 ACJM-IIIrd, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case



No. 151 of 2017, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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