

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30586 of 2018

Arising Out of PS. Case No.-386 Year-2017 Thana- HARSIDHI District- East Champaran

Nasib Miyan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Smt. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 17-05-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 379 and 506 of the IPC.

The prosecution case as per the written report of Ramesh Sahni dated 6.10.2017 submitted before the SHO, Harsidhhi Police Station is to the effect that the local people used to maintain the fisheries right of the Jalkar situated in Sonbarsha but recently the District Fisheries Officer restrained the fishermen from fishing activity, but in spite of that people used to commit theft. On 15.7.2017 the petitioner was caught while fishing but he was let off in pursuance to a Panchayati. On 7.9.2017 the petitioner was caught with 50 kilograms of fish but he managed to



escape from the scene. On 2.10.2017 again, the fishing was made by the petitioner.

It is submitted by learned counsel for the petitioner that none from the Fisheries Department lodged the case and for the last occurrence on 2.10.2017, the FIR was lodged on 6.10.2017 by the informant being a private person when it was alleged that fishing was made on 15.7.2017, 7.9.2017 and 2.10.2017. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the delayed lodging of the written report coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 386 of 2017 subject to the conditions laid down in Section 438(2) of



the Cr.P.C.

(Dinesh Kumar Singh, J)

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