

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14971 of 2019

Arising Out of PS. Case No.-64 Year-2018 Thana- BHEJA District- Madhubani

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Akhtar, Son of Nasim, Resident of Village - Ganeshpur, P.S.- Marauna, Distt -
Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 12-03-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 457, 380 and 411 of the IPC.

The prosecution case, as per the written report of Chandra Mohan Mahto, submitted to the Station House Officer, Bheja Police Station, is to the effect that from the house of the informant, three she buffaloes, two he buffaloes and a calf were stolen. On search being made, from the pick up van of the petitioner, parked in the mango orchard of one Md. Matin, all



the stolen buffaloes were recovered, leading to registration of FIR against unknown. It is further alleged that when the informant along with co-villagers reached at the spot, all the miscreants managed to escape from the scene.

It is submitted by the learned counsel for the petitioner that there is no direct involvement of the petitioner in the alleged occurrence. Though the petitioner is the owner of the vehicle in question but he was not present at the place of seizure. It is further submitted that no incriminating article has been recovered from the conscious physical possession of the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. 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 the learned APP for the State that from the pick up van of the petitioner, stolen buffaloes were recovered.

Considering the nature of accusation and the fact that the petitioner was not present on the place of seizure, coupled with the 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/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **A.C.J.M.- 3rd Jhanjharpur, Madhubani** in connection with **Bheja P.S. Case No. 64 of 2018**, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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