

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19888 of 2019

Arising Out of PS. Case No.-678 Year-2018 Thana- SHERGHATI District- Gaya

MD. KAIF Son of Md. Kaishar, Resident of Mohalla-Lohar Toli, P.S-
Sherghati, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anurag Saurav

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 31-07-2019 The petitioner apprehends his arrest in connection with
Sherghati P. S. Case No. 678 of 2018 registered under Sections
379,401 and 511 of the Indian Penal Code.

Allegation against the petitioner, as per FIR lodged by
Inspector of Sherghati Police Station, is that while the police
party was on patrolling duty, informant saw that two persons
standing, upon seeing the police party, they tried to flee away. It
has further been alleged that there after some persons came out
of HDFC Bank ATM and started fleeing away. The police party
apprehended one Rajan Sah at the spot, who disclosed the name
of the petitioner and others and informed the police that all
persons had assembled to cut HDFC Bank ATM from gas cutter.
It has further been alleged that the police recovered red colour
gas cylinder, one cylinder meter etc. from inside the ATM and it



was alleged that Golu, Chotu and Md. Kaif (the petitioner) had brought the gas cutter and cylinder to the ATM.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in this case on the basis of statement made by arrested co-accused. He further submits that petitioner has got no criminal antecedent and nothing has been recovered from his possession. Accordingly, submission is that no offence under Section 379 of the Indian Penal Code is made out against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that petitioner has got no criminal antecedent and nothing incriminating has been recovered from the possession of the petitioner, as such I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ACJM, Sherghati at Gaya in connection with Sherghati P.S. Case No. 678 of 2018; subject to condition as laid down under Section



438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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