

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29006 of 2019**

Arising Out of PS. Case No.-352 Year-2018 Thana- PANCHRUKHI District- Siwan

Dilip Yadav, Son of Sabha Yadav Resident of Village - Lahesi, P.S. - M.H. Nagar, Distt - Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nawal Kishore Singh

For the Opposite Party/s : Mr.Veena Rani Prasad

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

5      16-08-2019                      Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Pachrukhi P.S. (M.H. Nagar) Case No.352 of 2018 for the offence punishable under Section 379 of the Indian Penal Code.

The allegation against the petitioner as per the First Information Report lodged by an employee of Kamla Aditya Construction Pvt. Ltd. that construction work of the building of the company was stopped on 09.12.2018 and when the informant arrived at the site on 16.12.2018, he found that mixer machine kept at the site was missing. It has further been alleged that informant came to know that one Dilip Yadav, i.e., the petitioner has taken the mixer machine from the site and kept the same somewhere else.



Learned counsel appearing for the petitioner submits that petitioner is innocent having no criminal antecedent. Learned counsel submits that petitioner has been implicated in this case based upon the belated FIR inasmuch as from perusal of the First Information Report, it is evident that the mixer machine was found missing on 16.12.2018 but the First Information Report has been lodged after a considerable gap of four days on 20.12.2018. Learned counsel further submits that no recovery of mixer machine has been made from the possession of the petitioner and the same was found from the place belonging to some other person.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that petitioner has got no criminal antecedent and further no recovery of mixer machine was made from the possession of the petitioner and there is delay in lodging the FIR, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon



furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Vith, Siwan, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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