

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74696 of 2018

Arising Out of PS. Case No.-215 Year-2018 Thana- BISFI District- Madhubani

Md. Chhotoo, Son of Md. Zakir, Resident of Village- Usauthudih, P.S.- Bisfi,
District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-01-2019 Heard learned counsels for the petitioner, informant
and State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 379/34 of the Indian
Penal Code.

The prosecution case as per the written report of Md.
Nasrullah, submitted to the S.H.O., Bisfi P.S. is to the effect that
on 13.08.2018 at about 10.00 P.M., the informant parked his
vehicle in front of his door but in the morning when he woke up,
he did not find his vehicle. It is further alleged that the wife of
informant, during morning walk saw the co-accused Md. Afzal
and the petitioner along with two other unknown persons taking
away the vehicle of the informant. Hence, it is alleged against
the petitioner that the petitioner committed theft of the vehicle



of the informant.

It is submitted by learned counsel for the petitioner that the of niece of the petitioner, Rizwana Khatoon, was married with the son of the informant and at an earlier point of time, a case has been lodged against the informant, being Bisfi P.S. Case No. 187 of 2018, with accusation punishable under Sections 147, 148, 341, 323, 498(A) and 436 of the I.P.C. It is further submitted that at an earlier point of time the informant lodged one another case against the petitioner being Bisfi P.S. Case No. 186 of 2016. Hence, in background of litigated relationship, the accusation has been levelled against the petitioner. So far as the fact that the wife of the informant saw the petitioner taking the vehicle away in morning, appears to be absolutely unreasonable and unbelievable.

It is submitted by learned counsel for the informant that the wife of the informant saw the petitioner taking away their vehicle.

Considering the accusation being levelled in the background of litigated relationship between the parties, 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, Benipatti, Madhubani**, in connection with **Bisfi (Aunshi) P.S.Case No. 215 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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