

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36378 of 2019

Arising Out of PS. Case No.-33 Year-2019 Thana- NALANDA District- Nalanda

MOTI KUMAR @ MOTI THATHERA Son of Bhusau Sao Resident of
Mohalla - Bichali Khandak, P.S.- Biharsharif, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-08-2019 The petitioner apprehends his arrest in connection with

Nalanda P. S. Case No. 33 of 2019 registered under Sections

379 and 461 of the Indian Penal Code.

Allegation against the petitioner, as per FIR, is that on
06.03.2019, when he came to open the shop, he saw that lock of
door was open and when he entered into the shop, he found that
two laptops, mixture machine, sound box etc.were missing from
his shop. Upon enquiry, he came to know that petitioner along
with other was involved in theft of alleged articles.

Learned counsel appearing on behalf of the petitioner
submits that petitioner has falsely been implicated in this case
merely on suspicion and no stolen material has been recovered
from the possession of the petitioner and also he has got no
criminal antecedent.

On the other hand, learned counsel for the informant



opposes the prayer for anticipatory bail and submits that witnesses and neighbour around the shop, in question, have disclosed the fact that petitioner was found loitering near the shop of the informant.

After having heard learned counsel for the parties and taking into consideration the fact that no incriminating material or stolen material has been recovered from the possession of the petitioner and petitioner's name transpired only on the basis of suspicion and he has got no criminal antecedent 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 CJM, Nalanda at Biharsharif in connection with Nalanda P.S. Case No. 33 of 2019; 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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