

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70812 of 2019**

Arising Out of PS. Case No.-194 Year-2019 Thana- BANMANKHI District- Purnia

Rupesh Yadav @ Rupesh Kumar, Son of Shiv Nairiayan Yadav, Resident of
Village - Khutahari, P.S.- Banmankhi, Distt - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

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

4 03-12-2019 This is an application for grant of anticipatory bail in
connection with Banmankhi P. S. Case No. 194 of 2019,
disclosing offence punishable under Section 379 of IPC.

As per F.I.R. petitioner boarded the tractor of the
informant while he was coming after selling the maize crops
worth Rs.4,00,000/- and kept it in the tool box of the tractor.
After some distance, the petitioner got down from the tractor,
Rs. 4,00,000/- was missing and as such, name of the petitioner
transpires, who has stolen the said amount.

Submission of the learned counsel for the petitioner is
that except suspicion, there is nothing against him. There is no
independent eye witness of the occurrence.

Heard learned A.P.P. also, who has opposed the prayer
for anticipatory bail on the ground that some of the witnesses



have supported the prosecution case. No doubt, they are not the eye witnesses, but they have informed the informant about the theft. Moreover, they have boarded the tractor and selling the maize crops.

Having heard both sides, in view of the allegation, I am not inclined to grant privilege of anticipatory bail to the petitioner. However, he has to surrender before the learned court below and make prayer for regular bail, the same shall be considered on the basis of the materials available in the case diary and if, possible to be disposed of on the same day.

With the aforesaid, this application is dismissed.

(Vinod Kumar Sinha, J)

Sunil Shukla/-

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