

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 75343 of 2019

Arising Out of PS Case No.-103 Year-2019 Thana- JOGBANI District- Araria

Samtullah @ Salamtulla, Male aged about 50 years, Son of SK. Late Naimuddin, Resident of Village- Amauna, P.S.- Jogbani, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the State : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 26-11-2019

Heard learned counsel for the petitioner and learned A.P.P. for the State.

2.The petitioner has moved the Court seeking pre-arrest bail in connection with Jogbani (Bathaha) PS Case No. 103 of 2019 (GR No. 1148 of 2019) dated 03.04.2019 instituted under Sections 379 and 411 of the Indian Penal Code.

3. The allegation against the petitioner and two unknown persons is that they had stolen the trolley of the informant.

4. Learned counsel for the petitioner submitted that the allegations are false and concocted. It was submitted that the contention of the informant that he had a trolley and at about 2 0' clock, in the night, it was stolen, cannot be accepted, as it would



have caused enough noise to alert everybody. It was further submitted that in the FIR, there is no explanation as to how the informant was aware that the trolley was on the highway, from where, it is said to have been recovered. It was submitted that when in the FIR itself the allegation is that there were three persons, including the petitioner, who had taken the trolley on the highway, there is no explanation as to why those persons were not caught and further as to how the trolley was taken from them as also how it was brought to the police station. It was submitted that the wife of the informant has a tractor and trailer in her name, for which paper was also produced before the Court below, but the prayer for anticipatory bail was rejected only on the ground that the allegation was serious. Learned counsel submitted that due to rivalry, as the petitioner as well as the informant are in the business of hiring out the tractor/trailer/trolley to the public and earning from that, a false case has been instituted.

5. Learned APP submitted that the petitioner has been named as the person who has taken away the trolley of the informant.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within four



weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM 1st, Araria in Jogbani (Bathaha) P.S. Case No. 103 of 2019 (GR No. 1148 of 2019), subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

Anand Kr.

AFR/NAFR	
U	
T	

