

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25953 of 2020**

Arising Out of PS. Case No.-48 Year-2020 Thana- KISHANGANJ District- Kishanganj

TANWEER S/o Akhtar Ansari R/o Balu Basti, Tegharia, P.S.- Kishanganj,
District- Kishanganj.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-10-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Kishanganj P.S. Case No. 48 of 2020 registered for the offences punishable under Sections 379/411 I.P.C.

Learned counsel for the petitioner submits that the name of this petitioner is said to have transpired in the statement of the apprehended accused Basu Kumar Poddar. It is submitted that the name of the petitioner has been involved in the case on mere suspicion as according to the FIR said Basu Kumar Poddar made a statement that he was coming along with this petitioner and one another accused after committing theft of a cow and he was caught



with the cow whereas this petitioner and another accused were able to flee away.

The said apprehended accused allegedly disclosed that they were coming with an intention to commit theft of the motorcycle from the medical college.

Learned counsel submits that so far as this petitioner is concerned, save and except the statement of the apprehended accused there is no material against him in this case, he is also said to be a person of clean antecedent.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case, the nature of accusation and that there is no recovery from the petitioner and further that he has got no criminal antecedent, let the petitioner above-named in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Kishanganj in connection with Kishanganj P.S. Case No. 48 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

