

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49964 of 2021

Arising Out of PS. Case No.-226 Year-2020 Thana- TRIVENIGANJ District- Supaul

MD. GAFFAR Son of Md. Hasim Resident of Village - Rampur, Ward no. -11, P.S. - Pipra, District - Supaul, State - Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Adv.
For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP
Mr.Nafisuzzoha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 06-07-2022 Heard learned counsel for the petitioner, learned counsel for the opposite party no.2 and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 461/379 of the IPC.

Allegedly, some unknown thieves by breaking the roof of the informant's shop have made theft of laptop, mobiles, Bluetooth, Speaker, Headphone and other things. The informant has suspected that the petitioner and others have committed the



offence, as they were roaming in the market lately that night.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case only on suspicion and previous enmity. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is no recovery from the conscious physical possession of the petitioner. It is further submitted that there is a land dispute between the parties and earlier the informant has lodged a FIR vide Pipra P.S. Case No.178/2019 u/s 147, 148, 149, 341, 323, 324, 307, 379, 504 of the IPC against the petitioner. The petitioner has also lodged two FIR vide Pipra P.S. Case No.-162/2019, registered u/s 147, 149, 341, 323, 379, 354A, 504 of the IPC and Pipra P.S. Case No.180/2019, u/s 147, 148, 149, 341, 323, 324, 354B, 379, 504 of the IPC against the informant and others. There is no eye-witness to the alleged occurrence. Petitioner has one criminal antecedent.

Learned APP for the State as well as learned counsel for the opposite party no.2 opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since no recovery has been made from the possession of the petitioner and there is no eye-witness to the alleged occurrence,



let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Triveniganj P.S. Case No.226/2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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