

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42469 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- NASRIGANJ District- Rohtas

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AJAY KUMAR S/o Late Ram Sundar Singh R/o village- Gopigarh, P.S.-
Akorahigola, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 44691 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- NASRIGANJ District- Rohtas

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MINU SINGH SON OF SRI UMA SHANKAR SINGH R/O VILLAGE-
AMIYAWAR, P.S.- NASRIGANJ, DISTT.- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 42469 of 2022)

For the Petitioner/s : Mr. Aditya Narayan Singh.1, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 44691 of 2022)

For the Petitioner/s : Mr. Parmatma Singh, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-12-2022

CRIMINAL MISCELLANEOUS No.42469 of 2022

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 379, 409,
406, 411 and 120B of the Indian Penal Code.



Learned counsel for the petitioner submits that petitioner has antecedent of one case and the informant alleges that there was an old iron bridge which was in a dilapidated condition situated near village Amiyawar, on Arrah main canal which was abandoned for many years, it is next alleged that two days ago, some unknown miscreants had cut the said iron bridge through cutter machine and had taken away the iron and on inquiry, the villager disclosed that the iron was cut on the orders of the Department but when it was verified by the informant then the Junior Engineer of the concerned department denied that any permission was given for cutting the said iron bridge.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R, it is next submitted that petitioner a scrap dealer of the area and it has been alleged that it was his pick up van which was used in transporting the alleged iron bridge which was stolen by the unknown accused persons.

Learned counsel for the petitioner next submits that being a scrap dealer the petitioner has been falsely implicated when admittedly nothing was recovered from the possession of the petitioner or from his shop. It is also submitted that no doubt it has been alleged that his pick up van was used in the



occurrence but then he is not evading the law rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer so that the truth comes out.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Nasriganj P.S. Case No. 45 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event, if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving an undertaking before this Court that he will cooperate in the investigation and will present himself as and when required by the I.O, is not cooperating in the investigation and is not appearing when



called for, the learned Trial Court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also have liberty to cancel his bail bonds.

Learned Trial Court is directed to send a copy of this Order to the concerned P.S.

CRIMINAL MISCELLANEOUS No. 44691 of 2022

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

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379, 409, 406, 411 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner has antecedent of one case and the informant alleges that there was an old iron bridge which was in a dilapidated condition situated near village Amiyawar, on Arrah main canal which was abandoned for many years, it is next alleged that two days ago, some unknown miscreants had cut the said iron bridge through cutter machine and had taken away the iron and on inquiry, the villager disclosed that the iron was cut on the orders of the Department but when it was verified by the informant then the Junior Engineer of the concerned department denied that any permission was given for cutting the said iron bridge.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated though he is not named in the F.I.R but his name transpired during the course of investigation being owner of the JCB. Learned counsel next submits that the purpose of arrest is not to punish but to ensure that the investigation is not hampered and as such the petitioner assures that he will cooperate in the investigation and will present himself as and when required by the Investigating Officer.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Nasriganj P.S. Case No. 45 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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Learned Trial Court is directed to send a copy of this Order to the concerned P.S.

(Satyavrat Verma, J)

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