

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62393 of 2021

Arising Out of PS. Case No.-244 Year-2019 Thana- BELA District- Sitamarhi

NAIYAR IMAM @ NETAJEE S/O LATE MUZAFFAR IMAM R/o village-
Balasath, P.S.- Nanpur, District- Sitamarhi, At present R/o Mohalla- Rajtoli,
P.S.- Laheriyasarai, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-07-2022 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 379/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner had antecedents as recorded in paragraph '3' of the anticipatory bail application and it is because of the fact that he had filed a complaint case against the police officer in which cognizance was taken which antagonized the concerned police official who is remanding the petitioner in cases after cases.

The learned counsel next submits that informant alleges that on 18.11.2019 he locked his shop and went to his



house and in the morning when he came to his shop he found the lock of his shop broken and found two tractors missing thus alleged that the tractors were stolen by unknown persons.

Learned counsel for the petitioner submits that the FIR was against unknown and the name of this petitioner transpired in the confessional statement of co-accused Sarfe Alam, the learned counsel next submits that the petitioner is an Advocate Clerk in the Civil Court Darbhanga and is also a *Pairavikar* of Sanjay Paswan who had filed Cr.W.J.C. No. 277 of 2017 (Sanjay Paswan vs. State of Bihar and Ors.) before this Hon'ble Court against police personnel, which further antagonized the police personnel who were threatening the petitioner to ensure that the case is withdrawn by Sanjay Paswan. The learned counsel next submits that as afore-submitted, the police has again falsely implicated the petitioner in the present case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but is not able to meet the submission of the learned counsel for the petitioner that confessional statement before the police has no evidentiary value in the eyes of law.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each 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 Bela P.S. Case No. 244 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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