

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17313 of 2023**

Arising Out of PS. Case No.-219 Year-2022 Thana- SULTANGANJ District- Bhagalpur

MD. KADIR MANSOOR SON OF MUSLIM MANSOOR R/O VILLAGE-
JAIKHUT, P.S.- SANHOULA, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection
with Sultanganj P.S. Case No.219 of 2022 instituted under
Sections 379 of the Indian Penal Code lodged on 05.07.2022 by
the informant Jai Prakash Sah.

As per the prosecution story, the informant gave his
written statement that in the morning he found that his tractor
bearing registration no. BR-51H-3186 is missing from outside.
his house, and the vehicle has been stolen by someone.
Accordingly, the FIR.

It has been contended by the learned counsel for the



petitioner that his name has come in the confessional statement of Guddu Kumar and has nothing to do with the alleged tractor. He being in the business of 'Kabari' naturally some motor parts and /or tyres will be available in the said shop but that cannot be a ground to prove that the said parts/tyres were of the same tractor.

Further the submission is that without accepting the allegation and/or the outcome of the present petition the petitioner on its own would like to contribute towards the Chief Minister Relief Fund of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that some materials have been found to be recovered/seized.

Taking into account the fact that he do not have criminal antecedent, is in the business of running 'Kabarikhana' from where some materials have been seized, the petitioner having been implicated in the case will have to face the trial, this Court is inclined to grant him privilege of anticipatory bail, subject to payment of the amount as undertaken by him.

Let the petitioner be released on anticipatory bail, in



the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Sultanganj P.S. Case No.219 of 2022 to the satisfaction of learned A.C.J.M., Ist, Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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