

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17384 of 2023

Arising Out of PS. Case No.-743 Year-2022 Thana- BELAGANJ District- Gaya

Munmun Kumar Singh S/O- Damodar Prasad Singh Moh- Polic Line, Po-
Rahui Ps- Rafiganj Dist- Aurangabad Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pintu Kumar Patel, Advocate

For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-05-2023 Heard Mr. Pintu Kumar Patel, learned counsel
appearing on behalf of the petitioner and Mr. Shaheen
Begum, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in
connection with Belaganj P.S. Case No. 743 of 2022
registered under Section 381 of the Indian Penal Code.

3. The prosecution story, in brief, is that the tractor
which was seized by the Belaganj police officer was
released and the owner of the tractor had found that the
battery was missing upon search battery was found and
returned to its owner. On the basis of statement of one ASI
allegation was made that petitioner was found using the said
battery.

4. Learned counsel appearing on behalf of the



petitioner submits that on 13.12.2022 the day on which the alleged theft of the battery of the tractor was reported, the petitioner was on leave for the period 13.12.2022 to 15.12.2022. The leave application has been brought on record by way of Annexure-2. Learned counsel further submitted that the petitioner has no role in the alleged theft of the battery or he had used it at any point of time. The battery was recovered and returned to its original owner.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the fact that the petitioner was on leave from 13.12.2022 to 15.12.2022 and the theft of the battery had taken place on 13.12.2022. The battery was recovered and returned to its owner. *Prima facie*, it appears that the petitioner has made out a case to be released on anticipatory bail.

7. The Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.



10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned C.J.M, Gaya in connection with Belaganj P.S. Case No. 464 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The present bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

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