

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38353 of 2023

Arising Out of PS. Case No.-566 Year-2022 Thana- MADHAURAH District- Saran

1. Shahjad Miya @ Md. Shahjad Miya @ Md. Sahjada Son of Late Rahman Miya @ Chhotan Miya Resident of village - Marhowrah Chini Mill Colony near Harbar Nath Mandir, P.S. - Marhowrah, Distt. - Saran (Chapra)
2. Saheb Ali @ Saheb Khan Son of Alam Khan Resident of village - Marhowrah Chini Mill Colony near Harbar Nath Mandir, P.S. - Marhowrah, Distt. - Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-08-2023 At the outset, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner No. 2, namely, Saheb Ali @ Saheb Khan.

2. Permission is granted.

3. The anticipatory bail application with respect to petitioner No. 2, namely, Saheb Ali @ Saheb Khan is dismissed as withdrawn.

4. Petitioner No. 1 apprehends arrest in a case registered for the offences punishable under Sections 379 and 411 of the Indian Penal Code.

5. On an information, a raid was conducted and a pick-up van loaded with 10 quintal iron was seized.



6. It is submitted that petitioner has been made accused only on confessional statement of co-accused. Petitioner is neither driver nor owner of the pick-up van in question. No incriminating material has been recovered from the conscious possession of the petitioner and he is no way connected with the aforesaid recovery. Petitioner has got clean antecedent.

7. Considering the aforesaid facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioner No. 1, in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Chapra, Saran in connection with Marhowrah P. S. Case No. 566 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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