

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46873 of 2023

Arising Out of PS. Case No.-630 Year-2022 Thana- JOKIHAT District- Araria

SARWAR Son of Md. Sainul Haque Resident of Ward No.- 08, Village -
Matiyari, P.S.- Jokihat, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Junior Engineer, North Bihar Power Distribution Compnay Limited Jokihat
Hat , Araria Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhav Jha, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP
For the NBPDC	:	Mr. Anand Kumar, Advocate
		Mr. Ramesh Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-10-2023 Heard learned counsel for the petitioner, learned APP
for the State as well as learned counsel for the informant.

2. The petitioner is apprehending his arrest in
connection with Jokihat P.S. Case No.630 of 2022 , F.I.R. dated
12.12.2022 registered for the offence punishable under Sections
379,411,427,34 of the Indian Penal Code.

3. The prosecution case, in short, is that on
12.12.2022 at 08:50 night, the accused persons were thefting oil
from transformer installed at Girda. Such occurrence was seen
by villagers and departmental mechanic. One person namely
Ijhar arrested on spot with 5 Litre oil and two person Sarwar and
Amantullah escaped from the place of occurrence by one super



Splender Motorcycle with a gallon contained about 45 Litre oil. Earlier Jokihat P.S. Case No. 620/22 dt. 08.12.2022 was also registered. Oil of transformer was stolen by this gang which was accepted by them. North Bihar Power Distribution Company Limited loss about Rs. 2,44,243/- Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. Further submits that during the course of investigation his name has been transpired in this case on the basis of the confessional statement of co-accused namely, Ijhar. He further submits that nothing has been recovered from his possession or the house of the petitioner and except the confessional statement of co-accused person, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

5. Learned counsel for the informant as well as learned APP for the State, on the other hand have vehemently opposed the prayer for anticipatory bail of the petitioner stating that it has come during investigation that the petitioner is one of



the partner of the co-accused person and they have committed number of crime, so petitioner do not deserve anticipatory bail.

6. Considering the aforesaid facts as well as submission of learned counsel for the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No.630 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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