

Arising Out of PS. Case No.-530 Year-2023 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

... .. Petitioner/s

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Ms.Bela Singh, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

2 04-08-2023 1. Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. This is an application for grant of anticipatory bail
in connection with Muzaffarpur Sadar PS case no. 530 of 2023,
registered for the offences punishable under Sections 457, 380
of the Indian Penal Code.

3. It is the case of the prosecution that in the night of
31.05.2023 at about 12.30 am, when the informant was sleeping
at her house, she heard noise of opening of boxes and when she
went at the said place, where the boxes had been kept, she saw
one person fleeing away, whose appearance was akin to that of
the petitioner herein.

4. The learned counsel for the petitioner submits that



the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that neither any alleged stolen articles have been recovered from the petitioner nor from his house nor any independence witness has come forward to corroborate the incident, hence, no offence, as alleged, is made out, as against the petitioner and the fact is that the petitioner has been falsely implicated in the present case on account of him being neighbour of the informant and there being a pre-existing dispute amongst them.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is having a clean antecedent and no recovery of stolen articles has been made from the possession of the petitioner, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a



period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Sadar PS case no. 530 of 2023, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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