

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45797 of 2022

Arising Out of PS. Case No.-125 Year-2021 Thana- NIRMALI District- Supaul

MD. NAUSHAD SON OF LATE BASIL R/O VILLAGE- NIRMALI, WARD
NO.4, P.S.- NIRMALI, DISTRICT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Shamimul Hoda, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-01-2023 Heard learned counsel for the petitioner and Mr. Jitendra
Kumar Singh, learned APP who represents the State.

The petitioner apprehends his arrest in connection with
Nirmali P.S. Case No.125 of 2021 instituted under Sections
379,408,411,414,120(B), 34 of the Indian Penal Code.

As per the prosecution story, the ‘Chowkidar’ of the
Nirmali Police Station lodged the FIR regarding the theft in the
Gammon India Limited campus alleging that the security staff with
the help of the landlord and the labourers got the scarps loaded in
two trucks which were about to be taken away. As the police reached
the place and interrogated the driver and ‘Khalasi’ they detailed out
the names, the petitioner being one of them.

The submission put forward by the learned counsel for the
petitioner is that he is neither an employee of the firm nor anything
directly has been alleged against him and only on the basis of
confidential inquiry that he may also be the person behind the said



theft, his name has come up. The last submission is that the petitioner do not have any criminal antecedent.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that it was theft of almost two trucks of scraps of Gammon India Limited.

Taking into account that there is only suspicion against the petitioner as also the fact he do not have any criminal antecedent, this Court is inclined to grant him relief. If however, it is found that he do have criminal antecedent this order shall become infructuous.

Let the petitioner be released on 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 Nirmali P.S. Case No.125 of 2021 to the satisfaction of learned A.C.J.M., Birpur, Supaul, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

U		T	
---	--	---	--

