

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47836 of 2023

Arising Out of PS. Case No.-480 Year-2022 Thana- SURSAND District- Sitamarhi

Mithilesh Kumar, son of Sonelal Yadav Resident Of Village- Rajo Sahanpur
Dih, Ps- Singhwara, Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection
with Sursand P.S. Case No.480 of 2022 instituted under Sections
379 of the IPC lodged on 22.09.2022 by the informant Mukesh
Rai.

As per the prosecution story, the allegation is that the
petitioner has stolen the tractor of the informant and this was
detected as at the place of occurrence his driving license was
present. Accordingly, the FIR.

Learned counsel for the petitioner submits that he was
a driver of the said tractor owner and he wanted leave from the
informant but instead his driving license was seized by him
which has been used making allegation of theft against him. He
has neither stolen the tractor nor he has kept the same at any



place.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the fact that there is no such recovery/seizure from the petitioner's place of any tractor only because the driving license presence at the place of occurrence his name has cropped up, as per the case he was driving their tractor being driver of the said tractor owned by the informant and do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on anticipatory 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 Sursand P.S. Case No.480 of 2022 to the satisfaction of learned Judicial Magistrate, Ist Class, Pupri, Sitamarhi, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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