

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49931 of 2022

Arising Out of PS. Case No.-309 Year-2022 Thana- RAHUI District- Nalanda

AKASH RAJ @ MUSA THATHERA @ MUSHHA THATHERA S/o Nand
Kishore Thathera R/o Village- Adarsh Nagar, Harnaut, P.S.- Harnaut, District-
Nalanda. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad,Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Rahui (Bhaganbigha) P.S. Case No. 309 of 2022 for the offence registered under Section 414 of the Indian Penal Code.

As per the prosecution story, the informant alleged that he is working as an Electric Shifter on National Highway and for the said purpose, cable was kept beside the road. It was further informed that the said cable has been loaded on a truck by 3-4 persons. This was immediately informed to the police whereafter the said truck was intercepted and the accused persons sitting in the truck were taken into custody. The two accused persons informed that it was the petitioner herein, who has asked them to deliver it stating that he has purchased the same.

Learned counsel for the petitioner submits he has no role to play in the matter. He is neither the owner of the truck



nor he was present in the said vehicle and only because of enmity his name has come up. It is his last submission that the petitioner do not have any criminal antecedent.

Taking into account the fact that the recovery has been made from the other accused persons, his name has come in the confessional statement, he do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail. If however, it is found that contrary to the statement made in paragraph 3, he do have criminal antecedent, this order shall become infructuous.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Nalanda at Biharsharif in connection with Rahui (Bhaganbigha) P.S. Case No. 309 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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