

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55935 of 2023

Arising Out of PS. Case No.-202 Year-2023 Thana- PURNEA SADAR District- Purnia

Md. Israfil, Son Of Abdul Samad, R/O Village- Damkah Gulabbagh, Ps-
Purnia Sadar, Bihar-854326

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 09-11-2023 Heard Mr. Nishant Kumar Sinha, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Sadar P.S. Case No. 202 of 2023, registered for the
offences punishable under Sections 379, 461, 411 of the Indian
Penal Code.

3. It is alleged that on 07.03.2023, while the
informant, who was engaged in business of fox nut, went to his
godown, he found that 115 bags of fox nut and the small Honda
generator and inverter was missing. On enquiry, he came to
know that two days earlier a Tata Magic Ace was apprehended
by the police which was carrying fox nut.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is said to be the driver of the alleged seized Tata Magic Ace, however, from the FIR it is evident that the alleged occurrence of theft was taken place on 07.03.2023, and the vehicle in question was apprehended on 05.03.2023 and, as such, a serious doubt has been cast upon the prosecution case. That apart, the fact is the vehicle in question was seized by the police on account of wrong parking as it was parked on the main road but, later on, the present case has been instituted implicating the name of the petitioner, as driver of the vehicle. He next submits that even during the course of investigation, no material has come suggesting, the vehicle and the petitioner was engaged in the present crime. Moreover, only 15 bags of fox nut was found over the Tata Magic, though the prosecution speaks about 115 bags of fox nut. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceedings of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is said to be driver of the vehicle in question having fair



antecedent and there is no prima facie materials suggesting the complicity of the petitioner in the present crime, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnia in connection with Sadar P.S. Case No. 202 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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