

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64689 of 2022**

Arising Out of PS. Case No.-4 Year-2022 Thana- GHOSI District- Jehanabad

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M. P. KUMAR @ TAMATAR Son of Dev Nandan Yadav Resident of Village
- Saho Bigha, P.S.- Ghoshi, District – Jehanabad Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar, Advocate
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 11-04-2023 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in connection with Ghoshi P.S. Case NO. 04 of 2022 for the offence registered under Sections 408 of the Indian Penal Code lodged on 07.01.2022 by the informant, Rishikesh Kumar.

As per the prosecution story, the informant is the owner of tempo bearing registration no. BR 25PA-2497 and the petitioner was driving the said tempo for last two months. Further allegation is that on 28.12.2021, the petitioner had taken the said tempo from his door but did not return till evening and on interrogation, he fled away. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that the theft of the vehicle took place on 28.12.2021 after the passengers had alighted under the jurisdiction of Khijarsarai police station. It was informed to the concerned



police station also but no effort was made.

Subsequently the informant started making pressure upon him to pay the amount of the vehicle. He being a poor person was unable to do so and as such avoided him and after 10 days on 07.01.2022, the present FIR was lodged.

Learned APP for the State opposes the prayer for bail.

Considering the delay of 10 days in lodging of the First Information Report coupled with the fact that the petitioner do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

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 Chief Judicial Magistrate, Jehanabad in connection with Ghoshi P.S. Case NO. 04 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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