

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65626 of 2023

Arising Out of PS. Case No.-286 Year-2022 Thana- SINGHWARA District- Darbhanga

Ritik Kumar Son Of Madan Rai, Resident Of Village- Bhita, P.S.- Pupari,
Distt- Sitamarhi

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Singhwara P.S. Case No.- 286 of 2022 registered for the offence punishable under Section 379 of the Indian Penal Code. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that the informant who is the Home Guard Jawan of Singhwara Police Station alleged that in the premises of Police Station the Motor Vehicle Inspector got parked Truck No. HR63A-9600 loaded with sand after seizure on 26.12.2022 where the driver Ritik Kumar the petitioner and owner were present and on next day on 27.05.2022 when the informant returned after attending natural call he did not find the truck in the premises of the Police Station. The informant alleged that the driver and the



owner have fled away with the truck.

4. Learned counsel for the petitioner submits that from the FIR it would appear that the truck in question was brought in the premises of the police station on 26.12.2022 at about 11.00 pm by the Motor Vehicle Inspector, however, the said truck loaded with sand is said to have been taken away by the petitioner and the truck owner from the premises of the police station which is higher improbable

5. Learned counsel further submits that the seizure list enclosed with the FIR would show that it has been prepared on 27.12.2022, therefore, it is difficult to understand how a truck which has already gone missing at 4.30 am on 27.05.2022 has been shown seized on 27.12.2022 at 12.30 PM. It is submitted that the petitioner has got no criminal antecedent and the allegations are completely vague.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Having regard to the facts and circumstances of the case wherein it is submitted that from the FIR it would appear that the truck in question was brought in the premises of the police station on 26.12.2022 at about 11.00 pm by the Motor Vehicle Inspector, however, the said truck loaded with sand is



said to have been taken away by the petitioner and the truck owner from the premises of the police station which is highly improbable, further it is submitted that the seizure list enclosed with the FIR would show that it has been prepared on 27.12.2022, therefore, it is difficult to understand how a truck which has already gone missing at 4.30 am on 27.12.2022 has been shown seized on 27.12.2022 at 12.30 PM, further considering that the petitioner has got no criminal antecedent and the allegations are completely vague, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Singhwara P.S. Case No.- 286 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Judicial Magistrate, 1st Class, Darbhanga, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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