

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70104 of 2023

Arising Out of PS. Case No.-193 Year-2022 Thana- SITAMARHI District- Sitamarhi

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EKBAL @ MOHAMMAD IQBAL HUSSAIN @ MD. EKBAL S/O HARUN
R/O VILLAGE- MEHSAUL, WARD NO.-10, SITAMARHI TOWN, P.S-
SITAMARHI, DISTT.- SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Ranjana Srivastava, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 02-11-2023 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner is apprehending his arrest in
connection with Sitamarhi P.S. Case No. 193 of 2022 registered
for the offence punishable under Section 379 of the Indian Penal
Code.
3. As per prosecution case, the informant hired
petitioner's auto to go in the marriage of his maternal uncle and
in the way, petitioner asked two other passengers to sit in the
auto. It is alleged that said two other passengers in collusion
with the petitioner took out jewellery from the informant's bag
after breaking its lock.
4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR. He further submits that petitioner is merely driver of the auto whose main interest lies to adjust more and more passenger in the auto to earn more money. He further submits that prudently and pragmatically a person who involves in doing the business of earning money by auto cannot be expected to allow the passenger to snatch jewellery of other co-passenger. In the light of given facts and circumstances of the case, no offence is made out against the present petitioner who involves in the business of running auto. In the background of said fact, counsel of the petitioner in para-3 of the petition has already mentioned that he bears no criminal antecedent. He further submits that some altercation was taken place between the informant and petitioner for dispute of fare and due to the aforesaid reason petitioner has been falsely implicated in this case.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that he is driver of the said auto and his liability is also attached to provide safety to the passenger and co-passenger.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into



consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Pupri at Sitamarhi in connection with Sitamarhi P.S. Case No. 193 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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