

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73291 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- SAHJAHANPUR District- Patna

MUNENDRA KUMAR @ MUNENDRA KUMAR @ MUNNA S/o Siya
Saran Prasad R/v- Diyawan, P.S.- Karai Parsuray, District- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP
For the Informant	:	Mr. Shyameshwar Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-06-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State along with learned counsel for the informant.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 379, 420 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner has antecedent of three cases in which in one case he has been acquitted and rest two cases are of the year 2004 and 2015. It is next submitted that petitioner had purchased the scrap from Sagar Patro, the Manager, of the informant through a valid receipt, as such it cannot be



alleged that petitioner had committed theft of the scrap. It is next submitted that petitioner was not aware that the scrap was meant to be delivered at Chhattisgarh. It is also submitted that since Sagar Patro contacted the petitioner for purchasing the scrap and the petitioner being aware that Sagar Patro is the Manager of the informant, as such he purchased the scrap for which receipts were issued, as would be evident from *Annexure-2 and 3* to the anticipatory bail application.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner and submits that the scrap was to be delivered at Chhattisgarh, but the petitioner in connivance with Sagar Patro siphoned off the scrap, it is further submitted that though it has been submitted on behalf of the petitioner that the scrap was purchased by the petitioner in lieu of which receipts were issued, but then the receipts are forged and fabricated.

Learned counsel for the petitioner, at this stage, submits that the petitioner will not abscond rather will co-operate in the investigation and will present himself as and



when required by the Investigating Officer of the case for eliciting the truth.

Considering the submissions made by the learned counsel for the petitioner, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Shahjahanpur P.S. Case No. 45 of 2022 corresponding to PT No. 2178 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance is not co-operating or is not presenting himself as and when required then the learned Trial Court shall be at liberty to cancel his bail bonds after recording reasons.

Further, in the event if after investigation charge



sheet is submitted against the petitioner, then the present anticipatory bail order shall lose its effect.

Let a copy of this order be sent to the concerned Police Station through the learned Trial Court.

(Satyavrat Verma, J)

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