

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1105 of 2023

Arising Out of PS. Case No.-1017 Year-2022 Thana- FORBESGANJ District- Araria

1. Md. Asfaque @ Md. Asfak, S/O Md. Jubrail Ansari @ Jibrail Ansari R/O Village- Birwan Chowk Ward No- 15, P.S- Forbesganj, District- Araria
2. Sanni Rai @ Sonu Kumar Rai S/O Shankar Rai R/O Village- Matiyari Ward No- 04, P.S- Forbesganj, District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-05-2023 At the outset, learned counsel for the petitioners submits that the petitioner no. 1 has been arrested, hence, this application on his behalf has become infructuous.

Let this application be dismissed as withdrawn on behalf of petitioner no. 1.

Heard learned counsel for the petitioner no. 2 and learned APP for the State.

The petitioner no. 2 in the present case is seeking pre-arrest bail in connection with Forbesganj P.S. Case No. 1017 of 2022 registered for the offence punishable under Section 379 of the Indian Penal Code. He has got no criminal antecedent.

As per the prosecution story, in the intervening night of 11/12.09.2022 at the Bharat Maruti Garage of the informant,



the accused persons had committed theft worth Rs. 17,00,000/- which includes ten gear box, battery, head dynamo, self A/C compressor, radiator water, electronic pen and injector of different cars and jeeps. The accused persons have been identified in the CCTV footage of the garage and have accepted the allegations leveled against them with a promise to return the articles before the local people.

Learned counsel for the petitioner no. 2 submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is a delay of twelve days in lodging of the FIR.

Learned APP for the State has opposed the anticipatory bail of the petitioner no. 2.

Having regard to the nature of the allegations, the delay in lodging of the FIR and that the petitioner no. 2 has no criminal antecedent, this Court directs release of the petitioner no. 2 above named on bail in the event of his arrest or surrender within a period of four weeks from today in connection with Forbesganj P.S. Case No. 1017 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 Chief Judicial Magistrate, Araria, subject to the conditions as



laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner no. 2 and in case at any stage it is found that the petitioner no. 2 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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