

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.391 of 2023

Arising Out of PS. Case No.-83 Year-2022 Thana- PURUSHOTTAMPUR District- West
Champaran

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1. AKALU SHEIKH @ SK.AKALU Son of Wazir Sheikh Resident of Village - Bherihari, Police Station - purushottampur, District - West Champaran.
 2. Aslam Sheikh @ Sheikh Aslam @ Md. Aslam Son of Gayan Shekh Resident of Village - Bherihari, Police Station - purushottampur, District - West Champaran.
 3. Aarash Sheikh @ Sk. Aaras Son of Anarul Sheikh Resident of Village - Bherihari, Police Station - purushottampur, District - West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate
For the Opposite Party/s : Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

At the outset, learned counsel for the petitioners submits that petitioner nos. 2 & 3 have already been arrested, hence, this application on their behalf has become infructuous.

Let this application be treated as dismissed as withdrawn in respect of petitioner nos. 2 & 3.

The petitioner no. 1, in the present case, is seeking pre-arrest bail in connection with Purushottampur P.S. Case No. 83 of 2022 registered for the offences punishable under Sections



379, 413, 414/34 of the Indian Penal Code. Petitioner no. 1 has no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that after providing fodder to the cattle and tied the same inside the house, in the midnight when she woke up she did not find her cattle. The informant alleged that she got a secret information about stealing away her cattle by Akalu Sheikh, Aslam Sheikh and Aarash Sheikh who had kept the cattle tied at their door. The informant recovered her cattle from there.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that cattle of the informant was recovered from the door of one Farid Sheikh and not from the house of this petitioner.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner no. 1.

Having regard to the submission that the cattle was recovered from the house of one Farid Sheikh and not from the house of this petitioner no. 1, he has no criminal antecedent, hence this Court directs that in the event of his arrest or surrender within a period of four weeks from today, let the



petitioner no. 1 above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Bettiah, West Champaran, in connection with Purushottampur P.S. Case No. 83/2022, 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. 1 and in case at any stage it is found that the petitioner no. 1 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 1. 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.

(Rajeev Ranjan Prasad, J)

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