

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7084 of 2024

Arising Out of PS. Case No.-208 Year-2023 Thana- YADOPUR District- Gopalganj

1. PINTU TIWARI S/O BIRENDRA TIWARI R/O VILLAGE- SISHWAN, P.S- MALAHI, DISTT.- MOTIHARI (EAST CHAMPARAN).
2. DHARMENDRA SAH S/O MAHESH SAH R/O VILLAGE- CHATIYA BHAGHWARA, P.S- MALAHI, DISTT.- EAST CHAMPARAN (MOTIHARI).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhishek Kumar, Advocate
	:	Mr. Hemant Ray, Advocate
For the Opposite Party/s	:	Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 20-02-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Yadopur PS case no. 208 of 2023, disclosing offences punishable under Sections 379, 414 of the Indian Penal Code and Section 137 of Bihar Electricity Board, 2003.
3. The prosecution story, as per the First Information Report, is that on 26.08.2023 during the course of patrolling, the police party inspected a pick-up van and upon inquiry, the driver told his name as Chandan Kumar. Upon search, the police found aluminum wire weighing 1310 kg. was kept in the said vehicle. It has further been alleged that aluminum wire was seized and



the arrested accused Chandan Kumar disclosed that he along with Anshu Singh and Pintu Tiwari i.e. petitioner no. 1 are involved in selling of stolen electric wire.

4. Learned Counsel for the petitioners submits that petitioners are having no criminal antecedent and they have falsely been implicated in this case on the basis of disclosure made by accused Chandan Kumar, who was arrested along with stolen aluminum wire. He further submits that a pick-up van in question was purchased by the petitioner no. 1 on Hire-purchase basis from its registered owner Dharmendra Sah i.e. petitioner no. 2 on 11.04.2023 and copy of agreement is annexed as Annexure-2 to the present petition. He next submits that the pick-up van was given on rent by petitioner no. 1 to co-accused Chandan Kumar and copy of agreement dated 19.07.2023 is annexed as Annexure 3 to the present petition. He also submits that petitioners handed over the pick-up van in favour of co-accused Chandan Kumar on a monthly rental of Rs. 30,000/- for a period of 11 months between July, 2023 to May, 2024. Lastly, it is submitted that due to the fact that petitioners had given the vehicle in question on rent to co-accused Chandan Kumar, he has falsely implicated the petitioners in the present case, although petitioners are having no criminal antecedent.



5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioners had given their vehicle to the co-accused Chandan Kumar on rent for a period of 11 months and they are having clean antecedent, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Gopalganj in connection with Yadopur PS case no. 208 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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