

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13590 of 2024

Arising Out of PS. Case No.-472 Year-2023 Thana- KISHANGANJ District- Kishanganj

Abu Hayat @ Md. Hayat S/o Faijuddin R/o vill - Thakurbari Lohagachhi, P.s.
- Chakalia, Distt.- Uttar Dinajpur (W.B)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-03-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Kishanganj P.S. Case No. 472 of 2023 for the offence registered under section 379 of the Indian Penal Code lodged on 21.11.2023 by the informant, Ankit Kumar Gupta.

3. As per the prosecution story, the informant- a Forest Officer alleged that certain seized machineries and articles were kept at a place but later, it was removed with the help of tractors/JCB. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that there is no eye witness to the occurrence, though the details of the tractors/JCB was/were made available to the police, it did not move further and only on suspicion, the petitioner has been



implicated and he do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the entire scrap materials were removed with the help of JCB/tractors.

6. Though there is allegation of removal of the articles, despite the registration numbers of the vehicles, the police has not further moved in the matter. It is the categorical statement of the petitioner that none of the vehicle belongs to him, he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 472 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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