

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30672 of 2024

Arising Out of PS. Case No.-458 Year-2023 Thana- ROSERA District- Samastipur

Jago Mahto @ Ankit Kumar S/o Late Kailash Mahto R/o vill - Jarahi, P.S. -
Rosera, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Rosera P.S. Case No. 458 of 2023 registered for the offences punishable under Sections 457, 380 and 34 of the Indian Penal Code.

3. As per prosecution case, theft was committed in the house of the informant and electric motor, iron, mixer grinder, speaker, some jewellery and cosmetics alongwith other items were stolen from the informant's house. Informant (Inspector in SSB at West Bengal) reached his house on 29.07.2023 and after contacting S.H.O., informant shared name and photo of some thieves and requested to lodge F.I.R. against the petitioner and others.



4. Learned counsel for the petitioner submits that reasonably it is not expected that the person in whose house theft is committed, is coming to the place of occurrence after seven days. He further submits that after arrival of informant at his house, he has taken further nine days for lodging the F.I.R. which shows that how comfortably a case has been registered against the petitioner. He further submits that petitioner is Inspector of SSB at West Bengal and he has misused his position which can be adequately deduced from the contents of F.I.R. He further submits that petitioner bears no criminal antecedent. He further submits that petitioner is co-villager of informant and his name has been articulated as an accused in the present case. He further submits that the considerable delay of 16 days from the date of occurrence in lodging the F.I.R., makes the prosecution story doubtful. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument



advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – I, Rosera, Samastipur in connection with Rosera P.S. Case No. 458 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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