

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32604 of 2024

Arising Out of PS. Case No.-1116 Year-2023 Thana- AGAMKUAN District- Patna

=====

Santosh Sao @ Santosh Kumar @ Santosh Saw SON OF BUDHAN SAH
resident of NH-30, Bari Pahari, PS-Bypass, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-05-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks anticipatory bail, apprehending his arrest, in connection with Agamkuan P.S. Case No. 1116 of 2023, registered for the offences punishable under Sections 379 of the Indian Penal Code.

3. The prosecution case as emerges from the FIR is that the articles relating the metro work, which were kept at different places, were being stolen by unknown persons. It is alleged that petitioner, who runs a Scrap shop, in connivance with others, used to steal these articles.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the detail of the stolen items is not



given in the FIR and names of general type of articles have been mentioned. He further submits that as per the seizure list, only one item “angle” is matching but even detail of the angle is not given in the FIR. So, one cannot say that the same angle has been recovered from the Accused by way of seizure because angle is a general item and does not necessarily mean that it is the same angle which belongs to the informant.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M-IV, Patna City, Patna , in connection



with Agamkuan P.S. Case No. 1116 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

chandan/manish-

U		T	
---	--	---	--

