

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36543 of 2024

Arising Out of PS. Case No.-33 Year-2023 Thana- TARABARI District- Araria

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SAIN @ MD. SAHIL S/O ARFIN @ MD. ARFIN R/O VILLAGE-
JHAMTA, WARD NO. 4, P.S- TARABARI, DISTT.- ARARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md Naushaduzzoha

For the Opposite Party/s : Ms. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-06-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 379, 411,
413 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of two cases and has been falsely
implicated in the instant case by the informant based on
confessional statement of apprehended accused in police
custody which does not have any evidentiary value.

4. The informant alleges that the accused persons
were trying to commit theft of oil in the transformer when the
informant along with the police force reached the place of
occurrence and one accused was apprehended who disclosed his



name as Abujama and further disclosed the name of the petitioner along with other accused persons who also had participated in the occurrence, but fled on seeing the police force.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that the investigation of the case is in its nascent stages and in the event if the privilege of anticipatory bail is granted to the petitioner in that event the petitioner may abscond as he has antecedents even, on which the learned counsel for the petitioner submits that petitioner will not abscond rather will co-operate in the investigation and will prove his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Tarabari P.S. Case No. 33 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



7. One of the bailors of the petitioner shall be his father Arfin @ Md. Arfin.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation or is not presenting himself as and when required, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner and to take all coercive steps to ensure that petitioner is behind bar.

9. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

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