

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40576 of 2024

Arising Out of PS. Case No.-462 Year-2023 Thana- RAFIGANJ District- Aurangabad

Raghvendra Kumar Son of Dhananjay Sharma Resident of Village- Baruna ,
P.S- Rafiganj, Dist- Aurangabad , Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-10-2024 Heard Mr. Ravindra Kumar, learned counsel for the

petitioner and Mr. Uma Shankar Prasad Singh, learned APP for

the State.

2. The petitioner is apprehending his arrest in
connection with Rafiganj P.S. Case No. 462 of 2023, F.I.R.
dated 27.10.2023 registered for the offences punishable under
Sections 379 of the Indian Penal Code.

3. The F.I.R. of the occurrence of theft is against
unknown.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the
petitioner is not named in the F.I.R. and the name of the
petitioner has been transpired during investigation merely on the



basis of suspicion. In fact, the petitioner is the owner of the vehicle in question and he has given the same to the informant for agricultural work. Learned counsel for the petitioner further submits that the aforesaid stolen tractor was recovered from the house of one Ashwini Kumar and the same was released in favour of the petitioner by the order of the Chief Judicial Magistrate, Aurangabad after calling the report from the concerned Police Station with respect to the ownership of the tractor in question. Further submits that in view of the aforesaid, no case is made out against the petitioner under Section 379 of the Indian Penal Code.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on 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 Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No. 462 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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