

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39252 of 2024

Arising Out of PS. Case No.-272 Year-2021 Thana- SISWAN District- Siwan

Hasnain Rai @ Hassnain Ray Son of Ahmad Rai Resident of Village-
Chhapiya Buzurg, P.S.- Siwan, Dist.- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 0 Heard learned counsel for the petitioner and learned
3-07-2024 Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Siswan P S Case No. 272 of 2021 dated 30-10-2021, instituted
under Sections 461 and 379 of the IPC.

3. The prosecution case in short is that in the night of
28-10-2021 the unknown persons committed theft of 350 kg
rod, 4 quintal coil, 40 piece angle and three bundles of wire after
breaking the shutter of his shop. In the morning of next day
when he came at his shop show that above mentioned items
was missing from his shop.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is submitted that the present case has been lodged



against unknown persons. It is next submitted that the name of the petitioner has transpired in the instant case during the course of investigation while the petitioner was arrested by the police on the basis of suspicion, and thereafter, the police has claimed that this petitioner has confessed his guilt regarding his involvement in the alleged occurrence. It is submitted that except the confessional statement of petitioner, there is no material against the petitioner to connect him with the alleged occurrence. Further, it is submitted that nothing has been recovered from the conscious possession of the petitioner or from the house of the petitioner. Lastly, it has been submitted that petitioner has two criminal cases against him.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner, stating that petitioner has two criminal cases against him.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Siwan, in Siwan P. S. Case No. 272 of 2021,



subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

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