

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41908 of 2024

Arising Out of PS. Case No.-202 Year-2023 Thana- PURNEA SADAR District- Purnia

Md. Danish Raza Son of Md. Mubark Ali @ Md. Mubarak Village- Parbheli,
Near Panchayat Bhawan, PS- Kathar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha. Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-07-2024 Heard learned advocate appearing on behalf of the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Sadar P.S. Case No. 202 of 2023, registered for the
offences punishable under Sections 379, 461, 411 of the Indian
Penal Code.

3. It is alleged that on 07.03.2023, the informant, who
was engaged in business of fox nut went to his godown and
found that 115 bags of fox nut and a small honda generator
inverter were missing. On inquiry, he came to know that two
days ago a Tata Magic Ace was seized by the police which was
carrying fox nut.

4. Learned advocate appearing on behalf of the



petitioner contended that only on account of petitioner being the owner of Tata Magic Ace, his name has been implicated in the case without there being any material. The learned Advocate contended that from the F.I.R. it is evident that the alleged occurrence was taken place on 07.03.2023 but surprisingly the vehicle in question was seized by the police on 05.03.2022 and as such a serious doubt has been raised on the prosecution case. Moreover, the vehicle in question was run by the driver and the petitioner cannot be held liable for any illegal activity committed by the driver. Taking note of the aforesaid fact, the driver of the vehicle has been allowed the privilege of anticipatory bail in Cr. Misc. No.55935 of 2023 vide order dated 09.11.2023. The petitioner is of fair antecedent and he undertakes that he will fully cooperate in the proceedings of the Court.

5. On the other hand, learned counsel for the State vehemently opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been implicated in this case only on account of he being the owner of the vehicle. Moreover, the co-accused who is said to be the driver of the vehicle have been allowed the



anticipatory bail, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, in connection with Sadar P.S. Case No. 202 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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