

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51893 of 2024

Arising Out of PS. Case No.-4 Year-2022 Thana- GOPALPUR District- Patna

Rahul Kumar son of Nawal Sah Vill- Madhopur Ram Ps- Sarai Dist- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Gopalpur P.S. Case No. 04 of 2022, registered for the alleged offence under Sections 406, 420 and 379 of the Indian Penal Code.

03. As per prosecution case, the petitioner engaged the vehicle of the informant for bringing siphon pipe from Patna. The petitioner sent the informant and his driver for taking meal and when the informant returned, his vehicle was missing. The informant has suspicion that the petitioner has stolen his vehicle.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. There are two tractors in the family of the petitioner in the



name of his uncle and brother, respectively and for this reason, there was no occasion for the petitioner to take the tractor of the informant on hire. Learned counsel further submits that a stranger came and asked the petitioner for tractor on rent and since the petitioner's tractor was already engaged, he conveyed him to the informant for the said purpose and the informant, under suspicion that petitioner might be involved to the theft of his tractor, has falsely implicated the petitioner in this case. Even the mobile number given in the FIR does not belong to this petitioner and petitioner has never talked with the person, who is holder of the said mobile number. The informant has not even given the registration number of his tractor, though he has claimed it has been stolen. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague nature of allegation against the petitioner and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be



released on bail, on furnishing bail bond of Rs. 10,000/-
(Rupees Ten Thousand Only) with two sureties of the like
amount each to the satisfaction of learned Judicial Magistrate-
1st Class, Patna/court concerned in connection with Gopalpur
P.S. Case No. 04 of 2022, subject to the condition laid down
under Section 438(2) of the Code of Criminal Procedure and
other following conditions:

- (i) One of the bailors will be a close relative of
the petitioner.
- (ii) The petitioner will remain present on each
and every date fixed by the court below, if so
required by the learned trial court.

(Arun Kumar Jha, J)

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