

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54933 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- BAIRIYA District- West Champaran

RAJAN KUMAR @ HARILAL S/O BHOLA SAH R/O VILL- BAIRIYA
NAYA TOLA, WARD NO.-10, P.S.- BAIRIYA, DIST- WEST CHAMPARAN
AT BETTIAH.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Adv.
For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Bairiya P.S. Case No. 113 of 2024 for the offence under sections 461 and 379 of the I.P.C. lodged on 06.04.2024 by the informant, Praveen Kumar.

3. As per the prosecution story, the informant alleged that in the night of 27/28.03.2024, the lock of Block Resource Centre room was broken and fans, eight sacks of books, one motor pump battery and a small generator were removed. This led to the FIR.

4. Learned counsel for the petitioner submits that the petitioner is a *Kabariwala* (scrap dealer), in good faith, purchased the items from Guddu Alam who committed the theft and made confession of his guilt. Another FIR was lodged



against him for another theft and in that background in para-3 of the petition it has come that he has criminal antecedent.

5. Learned APP opposes the prayer submitting that there has been some recovery from the place of petitioner.

6. Considering the submission put forward by the parties as also the petitioner is a *Kabariwala* (scrap dealer), admittedly, Guddu Alam has confessed his guilt and has further confessed that he has sold the items to the petitioner, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 3rd Bettiah, West Champaran in connection with Bairiya P.S. Case No. 113 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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