

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65086 of 2023

Arising Out of PS. Case No.-172 Year-2023 Thana- NAWANAGAR District- Buxar

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1. AMIT KUMAR SON OF ARBIND GUPA VILLAGE SONVARSHA P.S
NAWANAGAR DISTRICT BUXAR
 2. ASHISH KUMAR SON OF ARBIND GUPA VILLAGE SONVARSHA P.S
NAWANAGAR DISTRICT BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Nawanagar (Sonvarsha O.P.) P.S. Case No. 172 of 2023 registered under Sections 379, 419, 420, 120(B) of the Indian Penal Code lodged on 20.05.2023 by the informant, Zakir Hussain.

3. As per the prosecution story, the police alleged that the tractor seized in connection with Nawanagar (Sonvarsh O.P.) P.S. Case No. 171 of 2023 which was brought to the police station, was taken away by the petitioners and the same was recorded in the C.C. T.v footage. Accordingly, the FIR.



4. Learned counsel for the petitioners submit that under confusion, the said FIR has been instituted, the father of the two petitioners namely, Arbind Gupta has already deposited the mining charge of Rs. 33,750/- on 26.05.2023 which followed his release order in connection with Nawanagar (Sonvarsha O.P.) P.S. Case No. 171 of 2023. It is his further submission that the tractor is back in the police station, both of them are students, though they have been charged under Section 30 (a) of the Excise Act, a bright student.

5. Learned APP opposes the prayer for bail stating that the petitioners have criminal antecedent.

6. Taking into account the fact that though allegation is of taking away the tractor, now the tractor is back to the police station, the mining charge has been deposited by the father of the petitioners, they are students, young boys putting in jail will not serve any purpose, this Court is inclined to grant them privilege of anticipatory bail.

7. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Buxar in connection with Nawanagar (Sonvarsha O.P.) P.S. Case No. 172 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners 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 their bail bonds;

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

(Rajiv Roy, J)

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