

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64712 of 2024

Arising Out of PS. Case No.-316 Year-2023 Thana- CHANDI District- Bhojpur

Kush Kumar, Son of Tribhuvan Mahto, R/O-village- Misharpura, Katkaira,
P.S.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shantam Shivam, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-10-2024 Heard Mr. Shantam Shivam, learned counsel
appearing on behalf of the petitioner and Mr. Anil Prasad Singh,
learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Chandi P.S. Case No. 316 of 2023 registered under Section
379 of the Indian Penal Code.

3. As per the allegation made in the FIR, lodged by a
Chokidar of the village, some accused persons had stolen tyre
from a truck bearing Registration Number UP42BT-2602.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and he has falsely
been implicated in the present case. Learned counsel further



submitted that the petitioner is not named in the FIR. The petitioner is the owner of a truck bearing registration number BR01GE-5466 and he has no concern with the alleged stolen tyre or the truck concerned (Registration Number UP42BT-2602). The petitioner has clean antecedent. On these grounds, the petitioner seek to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, as well as, the fact that the petitioner is not named in the FIR, I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Chandi P.S. Case No. 316 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is



pending against the petitioner, as what has been stated in
paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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