

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66593 of 2024

Arising Out of PS. Case No.-153 Year-2024 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Nitesh Kumar Son of Shyam Kumar Prasad R/o Village- Shankarpur, P.O.
Tepri, P.S.- Hattha, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
For the Opposite Party/s : Mr. Binod Kumar NO.3, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-10-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for

the petitioner and Mr. Binod Kumar No.-3, learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with LNMU P.S. Case No. 153/ 2024 dated 02.06.2024
registered for the offence(s) punishable under Section(s) 406,
420 and 379 of the Indian Penal Code

3. The main submissions advanced by learned counsel
for the petitioner are that the petitioner has fair and clean
antecedent and as per the F.I.R., the alleged occurrence with
regard to theft of informant's poultry feed bags took place on
30.05.2024 but the F.I.R. was lodged on 02.06.2024 despite the
alleged occurrence having come in the knowledge of the



informant on the same day and further, as per the F.I.R., the allegation of theft/ misappropriation is against the informant's driver, Vikash Kumar Mishra, who was entrusted with the alleged stolen bags for transporting the same to a particular place and on the way, as per allegation, the alleged bags containing poultry feed were disappeared by the informant's driver, hence, there is no allegation of theft/ misappropriation of poultry feed bags against this petitioner. It is further submitted that as per the allegation, only 76 bags containing poultry feed which are alleged to be stolen bags of the present matter were recovered from the poultry farm of the petitioner but admittedly, the petitioner himself runs a poultry farm, so, merely on account of recovery of the said bags the criminal liability with regard to the alleged offence punishable under section 411 of the IPC which is only made out against the petitioner, cannot be fastened upon the petitioner and further, the said offence is compoundable and the informant has compromised with the petitioner and in this regard, a copy of compromise petition has been annexed with this petition (Annexure-P/2).

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the facts and circumstances of this



case as well as the above submissions, coupled with the fair and clean antecedent of the petitioner and also the factum of compromise made by the informant with this petitioner, in my opinion, the petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with LNMU P.S. Case No. 153/ 2024 on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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