

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3729 of 2024

Arising Out of PS. Case No.-348 Year-2023 Thana- BIHTA District- Patna

Manoj Kumar Son of Yamuna Rai Resident of Village-Rahempur, PS-Parsa
Bazar, District-Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishikant Sharma, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-02-2024 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 Bihta P.S. Case No. 348 of 2023 registered for the alleged offence under Sections 379 & 414 of the Indian Penal Code and Section 7 of the E.C. Act, 1955.

03. As per prosecution case, the police received information about the petitioner committing theft of oil from a tank lorry in connivance with its driver. A raid was conducted but the miscreants fled away from the spot and from the said spot recovery of petrol, diesel and a number of containers were made. The police came to know that the petitioner was committing theft of the oil from the tank lorry and was selling it.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no complaint from the owner of the tank lorry about any theft being committed and he has not made any allegation against any person including this petitioner. The tank lorry was checked by the team of officials and it was found that there was no theft of oil from that tank lorry. The petitioner has no concern with the roadside hut from which the recoveries were made. Co-accused driver of the tank lorry has been granted anticipatory bail by the learned court below itself. The petitioner has got no criminal history.

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 remoteness 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 Additional Chief



Judicial Magistrate-1, Danapur, Patna/concerned court in connection with Bihta P.S. Case No. 348 of 2023, 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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