

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30871 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- DIGHWARA District- Saran

Putush Kumar S/O Sudharshan Rai Resident of Village- Chainpur, Madarpur,
P.S.- Bheldi, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shatrughna Pandey, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-05-2025 Heard Mr. Shatrughna Pandey, learned counsel for
the petitioner and Mr. Nawal Kishore Prasad, learned APP for
the State.

2. The petitioner is apprehending his arrest in connection with Dighwara P.S. Case No. 11 of 2025 for the offence under sections 303(2), 317(2), 3(5) of the B.N.S. lodged on 16.01.2025 by the informant, Ved Prakash Talwar.

3. As per the prosecution story, the informant, who is an official of S.P.S. Construction India Private Ltd., alleged that two persons were taking out diesel from the campus on a tractor. This information was sent to Dighwara Police Station, whereafter the tractor was intercepted, Mintu Kumar and Kundan Kumar were apprehended and there is/was recovery of 210 litres diesel. Both the arrested persons named the present petitioner, the driver of the JCB to be the main conspirator who sells the stolen diesel. This led to the FIR.



4. Learned counsel for the petitioner submits that he had no role to play and only due to enmity the two arrested persons implicated him, he has no criminal antecedent and further without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 7,000/- towards S.P.S. Construction India Pvt. Ltd.

5. Learned APP opposes the prayer submitting that he was the main person behind the said theft.

6. Taking into account the submissions of the parties as also that recovery/seizure is from two named accused, this petitioner has no criminal antecedent, FIR lodged, he shall be facing the trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions, subject to payment of Rs.7,000/- towards S.P.S. Construction India Pvt. Ltd., by way of Demand Draft issued by the local State Bank of India through the Trial Court after checking its credentials.

7. Let the petitioner 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. 7,000/- (Rupees Seven thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-2, Saran at Chapra, in connection with Dighwara P.S. Case No.11 of 2025, subject to the conditions as laid down under Section



438(2) of the Cr.P.C.

(i) one of the bailor 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 six months 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)

anand/-

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