

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73174 of 2024

Arising Out of PS. Case No.-235 Year-2024 Thana- AMARPUR District- Banka

1. Rakesh Yadav @ Rakish Yadav Son of Prabhu Yadav Resident Of Village - Koushalpur Kole, Ps- Amarpur, Dist- Banka
2. Parshuram Paswan @ Parshuram Kumar Son of Mukesh Paswan Resident of Village - Badshahganj, Ps- Amarpur, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-01-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Amarpur P.S. Case No. 235 of 2024 instituted under Sections 379, 411 of the Indian Penal Code lodged on 06.04.2024 by the informant, Ankit Anand.

3. As per the prosecution story, the informant alleged that he got information that this petitioner is committing theft from his rice mill. As he went there, found him alongwith some associates of taking out the bags of rice and after weighing it, put the rice in the pick-up van but before it could be taken, the informant arrived and they fled away. This followed the F.I.R.

4. Learned counsel for the petitioner submits that



though the petitioner no.2 has criminal antecedent, it relies to section 354 of the Indian Penal Code, the informant with enmity has implicated and the last submission is that one of the co-accused has been granted relief in Cr. Misc. No. 39203 of 2024

5. Learned APP Mr. Bharat Bhushan opposes the prayer for bail submitting that after they remove the rice back, it was being weigh in the weighing machine whereafter the machine was taken in order.

6. Considering the aforesaid submissions as also the fact that one of the co-accused has been extended relief, the F.I.R. is there, the petitioner shall be facing the trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioners 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. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Amarapur P.S. Case No. 235 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family



member/relative 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 his/her bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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 the bail bonds;

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

(Rajiv Roy, J)

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