

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8149 of 2016

Arising Out of PS.Case No. -227 Year- 2015 Thana -SIKRAUL District- BUXAR

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1. Raj Kumar Thakur @ Raj Kurmar Thakur
 2. Niranjana Thakur @ Nanhak
 3. Sunil Thakur
 4. Mohan Thakur @ Dbalu Thakur All sons of Tumnath Thakur All resident of Village- Gangauli, P.S.- Simri, District- Buxar.
 5. Shailesh Tiwary S/o Ramakant Tiwary Resident of Village- Barki Nainijor, P.S.- Nainijor, District- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashwini Kumar Rai, Advocate

For the Opposite Party/s : Mr. Uday Chandra Pd.(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-02-2016

Heard learned counsel for the petitioners and learned

A. P.P. for the State.

Petitioners apprehend their arrest in connection with Simari P.S. Case No. 227 of 2015 registered for offences punishable under Sections 379, 120(B)/34 of the Indian Penal Code.

The prosecution case, in brief, is that while the son of the informant was going on a motorcycle in the evening, he fell due to bad condition of road near the house of Balmiki Thakur and north of the house of Tung Nath Thakur where petitioner along with all the named accused persons including the petitioners got

together till 1:00 O' Clock in the night and then he slept and other named accused went to their home, who are neighbours, and when he woke up in the morning, he found his motorcycle missing, for which he searched at length and hoped to get back home, but when he could not search out his motorcycle, instant case against the named accused persons including the petitioners was lodged.

It has been submitted by the counsel for the petitioners that that as per the First Information Report, son of the informant, Suyog Thakur @ Golu was in cordial relation with Balmiki Thakur. It has further been submitted by the learned counsel for the petitioners that petitioners are innocent and have falsely been implicated in the aforesaid case. It has been submitted that these petitioners have no criminal history, as is evident from paragraph 3 of this petition. Counsel for the petitioners also contends that the present First Information Report has been lodged after an inordinate delay of 24 days, for which no plausible explanation has been given and these petitioners have been implicated merely on the basis of suspicion.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report and opposes the prayer for anticipatory bail.

Be that as it may, let the petitioners, above named, in

the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Buxar in connection with Simari P.S. Case No. 227 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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