

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.3184 of 2019**

Arising Out of PS. Case No.-284 Year-2018 Thana- DHARHARA District- Munger

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1. Nitish Kumar @ Niktan, Male, aged about 24 years, S/o Govind Prasad Singh, R/o Village- Sundarpur, PS- Dharhara (Hemezapur O.P) Distt- Munger.
  2. Navin Kumar, Male, aged about 20 years, S/o Late Dev Nandan Prasad @ Devan @ Devendra Prasad Singh, R/o Village- Sundarpur, PS- Dharhara (Hemezapur O.P) Distt- Munger.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Kumar Kamal Nayan

For the Opposite Party/s : Mr. Tapeswar Sharma

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

ORAL ORDER

2      24-01-2019                      Heard learned counsel for the petitioners and learned counsel for the State.

In this case, the petitioners is apprehending their arrest in connection with G.R. No. 3144 of 2018 arising out of Dharahra (Hemzapur O.P.) P.S. Case No. 284 of 2018 registered for offences under sections 457/380 of the Indian Penal Code.

In the present case, it has been alleged that on 23.10.2018 at about 2 A.M. in the night, the petitioners along with others entered into the house of the Informant. The daughter-in-law informed the Informant on mobile about the commission of theft. After receipt of the information, he and his wife rushed to the house and, in the light of torch, he could identify the present petitioners along with others to whom he could not identify and has given details of the material stolen by the petitioners.



Learned counsel for the petitioners submits that Informant is 69 years of age and it is very surprising that after receipt of the phone call, he rushed and identified that the petitioners were carrying huge quantity of material. Learned counsel for the petitioners has also submitted that as the petitioners are neighbors, on account of some land dispute, they have been made accused in the present case.

Looking to the entire facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Munger in connection with Dharhra P.S. Case No. 284 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioners for investigation/interrogation, they will remain present and if they would not present themselves, the privilege of grant of anticipatory bail shall be deemed to have been canceled.

**(Shivaji Pandey, J)**

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