

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8651 of 2020

Arising Out of PS. Case No.-177 Year-2019 Thana- MOHAMMADPUR District- Gopalganj

1. NARENDRA PANDEY S/o Late Shiv Datt Pandey Resident of Village- Kharampur, P.S.- Mohammadpur, Distt- Gopalganj.
2. Nirbhay Pandey @ Nirbhay Kumar Pandey S/o Late Kashi Nath Pandey Resident of Village- Kharampur, P.S.- Mohammadpur, Distt- Gopalganj.
3. Jyanti Devi @ Geeta Devi @ Geeta Kunwar W/o- Late Kashi Nath Pandey Resident of Village- Kharampur, P.S.- Mohammadpur, Distt- Gopalganj.
4. Puja Devi W/o Prince Pandey Resident of Village- Kharampur, P.S.- Mohammadpur, Distt- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar
For the Opposite Party/s : Mr.Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-03-2020 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in connection with
Mohammadpur P. S. Case no. 177 of 2019 instituted for the
offence under Section(s) 380,406 and 420 of the Indian Penal
Code.

The prosecution case is that when the informant was
leaving the joint family house for going to Mumbai she had
entrusted safe keep of the ornaments kept in her Almirah to the
family members including the instant petitioners. On her return,



she alleges that the ornaments are missing. The petitioners, who are agnates of the informant's husband, have been made accused of stealing her ornaments.

It is submitted by the petitioners' counsel that even, as per prosecution case, the ornaments were discovered to be missing on 12.09.2019. However, the FIR has been lodged on 02.10.2019. The same is an afterthought based on extraneous consideration as the issue of partition is being coerced in respect of the ancestral properties by the informant and her husband.

The learned APP opposed the prayer for bail.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the court below, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **CJM Gopalganj**, in connection with **Mohammadpur P.S. Case no. 177 of 2019** subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to



how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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