

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 23821 of 2020

Arising Out of PS. Case No.-85 Year-2013 Thana- SAKRI District- Madhubani

1. BHOLA JHA Son of Batbhu Jha Resident of Village-Dahiywa Hanuman Nagar, P.S.-Pandaul, District-Madhubani.
2. Vijay Kumar Paswan @ Vijay Paswan @ Vijay Paswan Son of Mahesh Paswan Resident of Village and P.S.-Sakari, District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ratanakar Jha, Advocate

For the Opposite Party/s : Mr Awadhesh Kr Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 14-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners apprehend their arrest in connection with Sakari Police Station (for brevity, PS) Case No 85 of 2013 corresponding to GR No 1736 of 2013 instituted for the offence



punishable under Section 379 of Indian Penal Code.

First Information Report (for brevity, FIR) has been lodged by the informant alleging that certain apparatus kept in the go-down got missing. The petitioners have caused theft of the articles which are mentioned in the FIR as one surger arrestor of 120 KV, 12 pieces of surger arrestor of 13 KV worth Rs 4,59,680/-.

Petitioners' counsel submits that in respect of the same occurrence and on the same set of facts, another criminal case being Sakari PS Case No 77 of 2013 was lodged against the petitioners by the same informant. The petitioners, being labourers at the go-down, are unnecessarily being harassed though they have no connection with the theft. Other than the said case, petitioners bear no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of 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 bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of Chief Judicial Magistrate, Madhubani in Sakari PS Case No 85 of 2013 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also 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 fails to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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