

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78771 of 2019**

Arising Out of PS. Case No.-412 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

Shambhu Rai, aged about 35, Male, son of Vishwanath Ray, resident of village -
Senduari, P.S.- Hajipur Sadar, District- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 11-09-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Niranjan Parihar, learned counsel for the petitioner and Mr. Nityanand, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Hajipur Sadar PS Case No.412 of 2019 dated 29.06.2019, instituted under Section 379 of the Indian Penal Code.

4. The petitioner along with three others is accused of stealing the Bolero vehicle of the informant from his house.

5. Learned counsel for the petitioner submitted that parties are agnates living in the same village near to each other and due to such rivalry, this false case has been instituted. It was



submitted that in the FIR, the informant, Praveen Kumar, has stated that he had parked his vehicle in front of his house on 14.06.2019 at 8.30 PM and in the morning when he woke up at 4.00 AM, the vehicle was missing and that the accused two days back had threatened to take away the vehicle. It was submitted that the FIR has been lodged on 29.06.2019 for which there is no explanation. Learned counsel submitted that during investigation, the full brother and wife of the informant have stated that they had woken up 12.00 mid night on the fateful day and had seen all the accused standing near the vehicle and then at about 1'o clock they heard the sound of the vehicle being started and then they had woken up the informant, who along his brother had chased the vehicle on a motorcycle for some distance, but could not catch them. It was submitted that the same falsifies the story in the FIR, where it is stated that the informant had parked the vehicle at 8.30 PM and when next morning he woke up at 4.00 AM he did not see the vehicle, whereas, his brother and the wife have stated that the informant also gave a chase on motorcycle at 1.00 AM while the vehicle was being taken away.

6. Learned APP submitted that the prosecution witnesses have supported the story. However, he could not



controvert the fact that the brother and wife of the informant have given a completely different version of the sequence of events.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the C.J.M., Vaishali at Hajipur, in Hajipur Sadar PS Case No.412 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that one of the bailors shall be a close relative of the petitioner and (ii) the petitioner shall cooperate in the matter, both with the police/prosecution and the Court. Failure to cooperate shall lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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