

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28173 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- JAMOBABAZAR District- Siwan

1. BULLET BASFOR S/o Lallan Basfore Resident of Village- Barhoga Kothi, Pachpatia, Hariharpur Kala, P.S.- Goriyakothi, District- Siwan, Pin- 841434.
2. JAYKEE BASFOR S/o Lallan Basfore Resident of Village- Barhoga Kothi, Pachpatia, Hariharpur Kala, P.S.- Goriyakothi, District- Siwan, Pin- 841434.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-12-2021 Heard Mr. Ranjan Kumar Dubey, learned counsel
for the petitioners and Mr. Akshay Lal Pandit, Additional Public
Prosecutor for the State.

Petitioners seek regular bail in connection with
Jamobazar PS Case No. 05/2021 registered for the offence
punishable under Sections 379/34 of the IPC.

The allegation, as per First Information Report, is that
the informant had gone to the market and had parked his
motorcycle there. In the meanwhile, two accused persons
including the petitioner, in the process of committing theft of the
said motorcycle were caught hold by the general public and
were handed over to the police and the third accused person fled



away with the motorcycle of the informant.

Learned counsel for the petitioners submits that the petitioners have got no criminal antecedents and have falsely been implicated in this case due to village politics and they are co-villagers of the informant. He further submits that no looted article nor the stolen motorcycle has been recovered from the possession of the petitioners and from perusal of the last paragraph of the FIR, it is evident that the petitioners were caught hold by the local persons of another village while they were fleeing away with another motorcycle whereas in the beginning of the FIR it has been alleged that the petitioners were caught hold by the villagers of the informant and handed over to the police which is itself contradictory in nature.

Regard being had to the submissions made by the parties and taking into consideration the material on record and the fact that the petitioners have got no criminal antecedents, there is no recovery of looted article or of stolen motorcycle from the possession of the petitioners and they are in custody since 04.01.2021, I am inclined to grant regular bail to the petitioners.

Accordingly, let both the petitioners, 1. BULLET BASFOR and 2. JAYKEE BASFOR 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 Chief Judicial Magistrate, Siwan in connection with Jamobazar PS Case No. 05/2021.

(Anil Kumar Sinha, J)

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