

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36849 of 2020

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

1. HEMANT KUMAR @ LUTKUN SON OF RAJ KUMAR RAI RESIDENT OF VILL SENDUARI PS HAJIPUR SADAR DIST VAISHALI
2. ABHINANDAN KUMAR @ MUNCHUN SON OF RAMBABU RAI RESIDENT OF VILL SENDUARI PS HAJIPUR SADAR DIST VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-06-2021 Heard both sides.

The matter has been taken up through video conferencing.

The petitioners apprehend their arrest in Hajipur Sadar PS Case No.412/2019 registered under Section 379 of the Indian Penal Code.

The informant alleged that he had parked his Bolero Jeep in front of his house on 14.06.2019 but on the next morning when he woke up he found his vehicle missing. The informant further alleged that two days before the occurrence Hemant Kumar @ Lutkun, petitioner No.1, Abhinandan Kumar, petitioner No.2, Shambhu Rai and Manjit Kumar had threatened



to take away the vehicle of informant bearing registration No. BR-31P-0208.

The learned counsel for the petitioners submits that petitioners are innocent and, in fact, they have committed no offence. The petitioners are neighbours of the informant. The occurrence took place on 14.06.2019 but the FIR was lodged on 29.06.2019 and this fact itself falsifies the entire prosecution case and if the informant had any doubt about stealing of his vehicle he would have lodged the case immediately after the occurrence. During the course of investigation it has come that the informant and his wife also chased the vehicle lifters but could not succeed and on consideration of the aforesaid fact a coordinate Bench of this court granted bail to one of the co-accused, Shambhu Rai, vide order dated 11.09.2020 passed in Cr. Misc. No. 78771/ 2019.

Taking into consideration the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order shall be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction the learned Chief Judicial



Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar
PS case No. 412/2019, subject to conditions laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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