

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 946 of 2021

Arising Out of PS Case No.-53 Year-2020 Thana- KARJAIN District- Supaul

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1. Prabhu Sah @ Prabhuchandra Sah, aged about 40 years, Male Son of Fulo Sah, Resident of Village - Bouraha, Ward No.12, PS- Karjain, District- Supaul.
 2. Chandeshwari Ram, aged about 53 years, Male, Son of Ashrafi Ram, Resident of Village - Bouraha, Ward No.12, PS- Karjain, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisuzzoha, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-06-2021

The matter has been heard *via* video conferencing.

2. The case has been heard out of turn on the basis of motion slip filed by learned counsel for the petitioners yesterday, which was allowed.

3. Heard Mr. Nafisuzzoha, learned counsel for the petitioners and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

4. The petitioners apprehend arrest in connection with Karjain PS Case No. 53 of 2020 dated 12.06.2020, instituted under Section 379 of the Indian Penal Code.



5. The allegation against the petitioners is that they had stolen vegetables from the field of the informant.

6. Learned counsel for the petitioners submitted that they are neighbours and the allegation is false due to local rivalry. It was submitted that only on suspicion, even though it is stated initially that the informant could not identify the culprits, but later on, it is stated that they were recognized. As far as the recovery of mobile of petitioner no. 1 is concerned, learned counsel submitted that it was a small mobile which was lost a day earlier and most importantly, the said mobile was never handed over to the police as the FIR does not show that there was any article seized or handed over to the police by the informant. Learned counsel submitted that being a neighbour, the mobile number of the petitioner no. 1 was well known to the informant and that is why he has only stated about the mobile number and not the details of the mobile set, which clearly shows that no mobile set was recovered. It was submitted that the petitioners have no criminal antecedent. Learned counsel submitted that it is surprising that though in the said FIR, it has also been alleged that vegetables worth Rs. 500/- had been stolen from the informant's field and vegetables worth Rs. 3,000/- had been stolen from another person's field i.e., Vinod Mehta, but he has not lodged any FIR.



7. Learned APP submitted that the petitioners were seen in the torch light and had stolen the vegetables. However, it was not controverted that as per the estimate of the informant himself, vegetables worth Rs. 500/- had been stolen.

8. 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 petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul in Karjain PS Case No. 53 of 2020, 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 petitioners, (ii) that the petitioners and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners and (iii) that the petitioners shall co-operate with the police/prosecution and the Court. Any violation of the terms and conditions of the bonds or the undertaking or failure to co-operate shall lead to cancellation of their bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to



the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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