

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75001 of 2019

Arising Out of PS. Case No.-400 Year-2019 Thana- CHIRAIYA District- East Champaran

Lakhindra Rai Son of Ram Agya Rai Resident of Village - Godhiya, P.S.-
Sikarganj, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-11-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks anticipatory bail in connection with Chiraiya (Sikarganj) P.S. Case No. 400 of 2019 instituted for the offences under Sections 457 and 380 of the Indian Penal Code.

Learned counsel for the petitioner, at the outset, submits that the petitioner is a person with clean antecedent. Further, that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the informant has alleged that on 06.08.2019 at 12 the petitioner along with other co-accused broke the lock of the informant's door and entered in his house and took cash worth Rs. 25,000/- gold chain of Rs. 35,000/- gold ring of 7 grams worth Rs. 21,000/- silver hansuli weighing



500 grams costing Rs. 20,000/- and a silver payal cost Rs. 2,000/- as such the petitioner along with another co-accused had taken goods worth Rs. 1,03,000/-. Further, that when the informant tried to catch the petitioner and others they assaulted him as a result of which the informant fell and his knee was injured. On hulla being raised, the villagers came when the accused started fleeing and on chase Bigu Sah and Suresh Sah caught hold of the petitioner but the petitioner managed to escape.

Learned counsel for the petitioner further submits that the petitioner and the informant are agnates and this fact has been concealed in the F.I.R., further no stolen property has been recovered from the conscious possession of the petitioner not anyone has seen the petitioner breaking the lock of the informant's door except the informant as such case under Section 457 of the I.P.C. is not made out.

Learned A.P.P. for the State after going through the case diary submits that the witnesses have supported the prosecution case. On query of the Court as to whether any recovery has been made during the course of investigation from the house of the petitioner and that anyone has seen the petitioner breaking the lock of the informant's house, the



learned A.P.P. fairly submits that the same has not come during the course of investigation.

Considering the facts and circumstances of the case in it's totality, and that the petitioner is a person with clean antecedent, in the event of his arrest or surrender before the learned Court below within a period of ten weeks, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sikarahana, Dhaka, East Champaran in connection with Chiraiya (Sikarganj) P.S. Case No. 400 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

