

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7122 of 2022

Arising Out of PS. Case No.-110 Year-2021 Thana- BELDOUR District- Khagaria

1. BHAVESH SHARMA SON OF KAPO YADAV @ KAPILDEV YADAV R/O VILLAGE- SHERBASA, P.S.- BELDAUR, DISTRICT- KHAGARIA (BIHAR)
2. MANISH KUMAR SON OF KALLAR YADAV R/O VILLAGE- SHERBASA, P.S.- BELDAUR, DISTRICT- KHAGARIA (BIHAR)
3. AKHILESH YADAV SON OF RUDAL YADAV R/O VILLAGE- SHERBASA, P.S.- BELDAUR, DISTRICT- KHAGARIA (BIHAR)
4. NUNU BABU SON OF BHUPAN YADAV R/O VILLAGE- SHERBASA, P.S.- BELDAUR, DISTRICT- KHAGARIA (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishweshwar Ram, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-07-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Learned counsel for the petitioners, at the outset submits that name of the petitioner no.1 has been wrongly mentioned in the bail application though the same is rightly mentioned in the vakalatnama. As such, the same may be permitted to be



corrected.

Permission is granted.

Let the name of petitioner no.1 be read as Bhavesh Sharma @ Bhavesh Kumar.

Office is directed to make the necessary corrections in the cause title.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 379, 411 of the IPC.

Allegedly, one accused person engaged in theft of maize from the field of the informant has been apprehended by the farmers, while other associates ran away from the spot. The apprehended person disclosed the name of the petitioners, who fled from the spot.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. No recovery has been made from the conscious physical possession of the petitioner. Petitioner has not been apprehended from the spot rather their name transpired in the case on the confessional statement of the



apprehended co-accused. Police has recovered four gunny bags containing 120 Kg of maize from the spot. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is no recovery from the possession of the petitioners named above, let them, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Beldaur P.S. Case No.110/2021 (G.R. No.1704/2021), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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