

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34185 of 2021**

Arising Out of PS. Case No.-178 Year-2018 Thana- PARIHAR District- Sitamarhi

1. SANTOSH YADAV Son of Sonelal Yadav Resident of Village - Rajo, P.S.- Laheriasarai, Distt.- Darbhanga.
2. NAIYAR IMAM Son of Late Muzaffar Imam Resident of Village - Balasat, P.S.- Nanpur, Distt.- Sitamarhi, At Present Resident of Mohalla- Rajtoli, P.S.- Laheriasarai Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Virendra Kumar, Advocate

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      08-08-2022                      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 379 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners have antecedent of two cases and the informant alleges that on 05.12.2018, after returning to his home, he locked his godown and went to sleep and in the next morning when he woke up, the tractor and the thresher of the informant were stolen with six bags of paddy.

Learned counsel for the petitioners submits that the



petitioners have been falsely implicated in the present case, it is further submitted that the name of the petitioners transpired in the confessional statement of co-accused Ajay Kumar which has no evidentiary value. Learned counsel next submits that the petitioner no. 2 had instituted a complaint case against the Officer-in-Charge of the concerned Police Station based on which the FIR (Annexure-2) was instituted, it is further submitted that one Sanjay Paswan had filed Cr.W.J.C. No. 277 of 2018 in which this Court by order dated 06.03.2019 had directed for filing a counter affidavit having prior approval of the S.S.P., Darbhanga so that the fact stated in the writ was duly verified as allegation in the supplementary affidavit was serious. Learned counsel submits that on account of rivalry, the Station House Officer falsely implicated the petitioner based on confessional statement.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 the learned court below where the case is pending/successor court in connection with Parihar P.S. Case No. 178 of 2018 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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