

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40939 of 2021

Arising Out of PS. Case No.-134 Year-2021 Thana- BIHPUR District- Bhagalpur

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1. BHOLA THAKUR Son of Nagendra Thakur Resident of Mohalla-Vidyadhar near bandh, Ward No.06, P.S.- Nagar, District- Khagaria.
 2. Rubi Devi Wife of Sanjay Kumar Thakur at present resident of Mohalla near Kalisthan thana Chowk, P.S.- Nagar, District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr.Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-04-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in a case registered under Sections 379, 406 of the Indian Penal Code.

Prosecution case, in short, is that co-accused Sanjay Kumar Thakur stole 100 grams of gold and 25 grams of gold ornaments from the shop of the informant. The informant suspects that the petitioners are also involved in the alleged occurrence.



It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been made accused due to mistake of fact. As per the allegation, co-accused Sanjay Kumar Thakur is suspected to have stolen gold from the shop of the informant. It is further alleged that a mere suspicion has been raised against the petitioners for committing theft. Except for suspicion, there is no other substantive evidence to suggest the implication of the petitioners in this case. The petitioner No.2 is a lady. There is no recovery of any incriminating article from the possession of the petitioners. The offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Naugachhia in connection with



Bihpur Bhawanipur P.S. case No.134/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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