

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43802 of 2021

Arising Out of PS. Case No.-46 Year-2021 Thana- SIMRA District- West Champaran

1. CHHOTU @ SUNIL KUMAR S/O HARI SHANKAR PRASAD GUPTA @ HARI SHANKAR SAH R/O MOHALLA-DHOBI TOLA RAM NAGAR, P.S-RAM NAGAR, DISTRICT-WEST CHAMPARAN.
2. MUKESH KUMAR BAITHA S/- MADAN BAITHA R/O MOHALLA-DHOBI TOLA RAM NAGAR, P.S-RAM NAGAR, DISTRICT-WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Adv.
For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and the learned APP for the State, Sri Ashok Kumar.

The petitioners seek regular bail in connection with Semra P.S. Case No. 46/2021 registered for the offence punishable under Sections 379, 414 and 34 of the Indian Penal Code.



The allegation is regarding the petitioners having been apprehended by the villagers while they were trying to commit theft in the shop of the informant and upon search being made, one mobile phone and a motorcycle was recovered.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having clean antecedent and they are languishing in custody since 26.4.2021. The learned counsel for the petitioners has further submitted by referring to Annexure-2, appended to the present petition, that the motorcycle in question is not a stolen motorcycle. The learned counsel for the petitioners has also referred to paragraphs no. 5 and 6 of the present petition to submit that while the petitioners were returning from a marriage ceremony on the fateful night, they had lost their balance and dashed in the shop of the informant and in confusion, the informant had raised an alarm, whereafter, the petitioners were not only caught by the villagers but were also



beaten on account of mistake identity. It is further submitted that the papers of the motorcycle would show that the same is admittedly registered in the name of the petitioner no 2.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the fact that the motorcycle in question, as has been categorically stated by the petitioners herein in the present petition, belongs to the petitioner no. 2 and moreover, no actual occurrence of theft had taken place, apart from the fact that the petitioners are having a clean antecedent and are languishing in custody since a long time, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on 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 ACJM 3rd, Bagaha, District-West Champaran in connection with Semra P.S. Case No.46/2021.

(Mohit Kumar Shah, J)

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