

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36300 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- KHIJARSARAI District- Gaya

1. SANJEEV KUMAR Son of Late Surendra Singh Resident of village - Bana, P.S.- Khizersarai, District - Gaya.
2. Shivam Kumar Son of Sanjeev Kumar Resident of village - Bana, P.S.- Khizersarai, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-12-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in a case registered for
offence punishable u/s 457 and 380 of the IPC.

Allegedly, Rs. 5,62,000/- and other ornaments which
were kept in the house of the informant, have been stolen. The
sale deed of land and other house holds have also been stolen.

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 due to land
dispute. No such occurrence, in the manner as alleged, has ever
taken place. He submits that occurrence took place on



15.03.2022 but the FIR was lodged on 17.03.2022 after delay of 3 days. Earlier the petitioner no. 1 filed against the present informant. There is land dispute is going on between the parties. A Title Suit bearing Title Suit No. 4/2022-2023 has been filed by the present informant in which the mother of the petitioner no.1 has been made as defendant. In the said suit the informant prays for title for a piece of land upon which the petitioners are in possession. Petitioners are falsely implicated only to pressurize the petitioners. The only interest of the informant to grab the property of the petitioners. There is no specific overt act against the petitioners. Petitioner no.1 has one criminal antecedent and petitioner no.2 has no criminal antecedent.

Learned APP for the State opposed the prayer for bail and submits that during investigation, two co-accused persons have made confessional statement in which they have taken the name of the petitioners and on that basis police recovered two bullet motorcycles which were allegedly purchased from the share in the looted money.

Considering the facts and circumstances of the case, since the similarly situated co-accused has not been granted bail in Criminal Miscellaneous No. 48936 of 2022 vide order dated 08.12.2022, I am not inclined to enlarge the petitioners on bail.



Accordingly, their prayer for anticipatory bail is rejected in connection with Khizerasari P.S. Case No. 116 of 2022.

(Anjani Kumar Sharan, J)

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