

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42559 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- DHAKA District- East Champaran

1. RAM BABU MUKHIYA Son of Hridaya Narayan Mukhiya Resident of Village - Nanaura, P.S.- Chauradano, District - East Champaran.
2. Sujeet Kumar Son of Brijlal Rai @ Vija Rai Resident of Barharwa, P.S. - Kundwa Chainpur, District - East Champaran.
3. Brijlal Rai @ Vija Rai Son of Late Pritam Rai Resident of Barharwa, P.S. - Kundwa Chainpur, District - East Champaran.
4. Harendra Rai Son of Charitra Rai Resident of Village - Bakhri Khajuri, P.S.- Dhaka, District - East Champaran.
5. Upendra Rai Son of charitra Rai Resident of Village - Bakhri Khajuri, P.S.- Dhaka, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-11-2022 Heard both sides.

Petitioners apprehend their arrest in connection with Dhaka P.S. Case No.88 of 2022, registered for the offences punishable under Sections 414, 379, 411 and 34 of the Indian Penal Code.

Learned counsel for the petitioners undertakes to remove the defect(s), as pointed out by the office, within a period of four weeks.

The prosecution case, in brief, is that the informant, Abhay Kumar, S.I. of police, Dhaka P.S. in his self statement has



stated that on 11.02.2022 at about 00:30 A.M. he alongwith police officials proceeded for patrolling and during the course of patrolling, when they reached near Bakhri Khajuri Nahar, seeing the light of jeep of police, 5-7 persons holding axe in their hands started fleeing away. The informant and other police officials tried to apprehend them, but due to darkness, all the accused persons fled away. Thereafter they found a blue colour Farmtrac Tractor withuot registration number, loaded with truck of sheesham wood and they also found two motorcycles. The informant came to know that all the accused persons were trying to commit theft of government sheesham tree. The Chowkidar disclosed the name of the petitioners. The Chowkidar also disclosed that tractor and one motorcycle belong to petitioner no.2, Sujeet Kumar and one motorcycle belongs to petitioner no.4, Harendra Rai.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that from perusal of the impugned order, it is clear that the said motorcycles belong to petitioner no.2, Sujeet Kumar and petitioner no.4, Harendra Rai. It is also submitted that there is general and omnibus allegation against petitioners no.1, 3 and 5.



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

Considering the fact that the said motorcycles belong to petitioner no.2, Sujeet Kumar and petitioner no.4, Harendra Rai, I am not inclined to enlarge petitioners no.2 and 4, namely, Sujeet Kumar and Harendra Rai on anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioners no.2 and 4, namely, Sujeet Kumar and Harendra Rai is rejected.

So far as petitioners no.1, 3 and 5 are concerned, considering that no specific allegation is alleged against them, let petitioners no.1, 3 and 5, 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 bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikrahana at Dhaka, East Champaran in connection with Dhaka P.S. Case No.88 of 2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J.)

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