

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55189 of 2021

Arising Out of PS. Case No.-20 Year-2021 Thana- HATHIDAH District- Patna

1. GANESH KUMAR, Son of Doman Paswan @ Naresh Paswan Resident of Village- Hathidah Market, Hathidah Buzurg, P.S.- Hathi udah, District- Patna.
2. Raju Kumar, Son of Gauri Paswan Resident of Village- Hathidah Market, Hathidah Buzurg, P.S.- Hathidah, District- Patna.
3. Gauri Paswan, Son of Chlittar Paswan Resident of Village- Hathidah Market, Hathidah Buzurg, P.S.- Hathidah, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-06-2022 Heard the learned counsel for the petitioners and

the State.

The present petition has been filed on behalf of the

petitioners, apprehending their arrest, in connection with

Hathidah P. S. Case No. 20 of 2021, registered for the

offences punishable under Sections 457, 380 and 511 of the

Indian Penal Code.

The prosecution case in brief is that one Akash

Kumar was found to be in the house of the informant during

night with intention to commit theft and as per further



allegation, the petitioners also help the said Akash Kumar in committing theft. However, he was not found in the house at the alleged time of occurrence.

The learned counsel for the petitioners has submitted that the petitioners are innocent and the allegation levelled against them are false and fabricated. No case of theft is made out against them. He has further submitted that due to previous disputes between the parties, the petitioners have falsely been implicated in this case.

It is also stated in paragraph no. 2 of the petition that no similar petition has been earlier filed by the petitioners either before this Court or before Hon'ble Apex Court.

It has further been stated that the petitioners have no criminal antecedent.

However, the learned counsel for State has opposed the prayer for bail of the petitioners.

Considering the afore-stated facts and circumstances, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender



before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. A.C.J.M., Barh, Patna, in connection with Hathidah P. S. Case No. 20 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedent, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed



to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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