

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17364 of 2023

Arising Out of PS. Case No.-696 Year-2022 Thana- KOILWAR District- Bhojpur

1. ANITA DEVI WIFE OF UMESH KUMAR SINGH @ LALLU SINGH R/O VILLAGE- GIDDHA, P.S.- KOILWAR, DISTRICT- BHOJPUR
2. UMESH KUMAR SINGH @ LALLU SINGH SON OF LATE ISWARDHARI SINGH R/O VILLAGE- GIDDHA, P.S.- KOILWAR, DISTRICT BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajani Ranjan Pd. Singh
For the State	:	Mr.Upendra Kumar
For the Informant	:	Mr. Ajay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-05-2023 Heard learned counsel for the petitioner, learned counsel for the informant, and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Koilwar (Giddha O.P) Police Station Case No. 696 of 2022, dated 05.11.2022, disclosing offence under Section 379 of the Indian Penal Code.

As per the First Information Report, the informant had gone to her matrimonial home for performing puja, and had kept her valuables/ornaments in the puja room, where the daughter of the informant and the petitioner's daughter, both, were playing and when the informant returned back, she found that her



ornaments and other valuables were missing. The informant has alleged that the same was stolen by the petitioner's daughter who was playing along with the informant's daughter in that room. The allegation against the petitioners is that they used to support their daughter in committing theft.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case with malice. He further submits that the allegation against them is that they abated the commission of offence of theft and supported their daughter to steal the valuables/ornaments of the informant. He next submits that from perusal of the first information report, it appears that the allegation against the petitioners is of abatement and not that the petitioners had stolen the property of the informant. He further submits that petitioners are the neighbour of the family of the informant, having no criminal antecedent.

On the other hand, learned counsel for the informant submits that informant is a practicing lawyer at Ara Civil Court and the petitioners are neighbour and distant relative of the informant and has instigated and supported their daughter to commit theft of the ornaments and other belongings of the informant, worth Rs. 2,50,000/-



Regards being had to the submission made on behalf of the parties and taking into consideration the nature of the allegation and that direct allegation of theft is not upon the petitioners, both the parties are distantly related, the petitioners are neighbour of the informant and no stolen article has been recovered from the possession of the petitioners, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, at Ara in connection with Koilwar (Giddha O.P) P.S Case No- 696 of 2022, subject to the condition laid down under Section 438 (2) of the Code of the Criminal Procedure.

(Anil Kumar Sinha, J)

Mayank/Prabhakar Anand

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