

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51059 of 2023

Arising Out of PS. Case No.-261 Year-2020 Thana- SIWAN CITY District- Siwan

1. LALU KUMAR MAHTO @ LALU MAHTO S/O LATE BIDYA MAHTO
R/O VILLAGE- LAXMIPUR, P.S- G.B. NAGAR, DISTT.- SIWAN.
2. SUNIL KUMAR YADAV @ SUNIL YADAV S/O LATE GANESH YADAV
R/O VILLAGE- LAXMIPUR, P.S- G.B. NAGAR, DISTT.- SIWAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha. I, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Siwan Town P.S. Case No. 261 of 2020 dated 30.06.2020,
instituted for the offence punishable under Section 379 of the
Indian Penal Code.

3. The prosecution case, in short, is that on
29.06.2020 the informant about 08:30 pm went to close his shop
after parking his Bolero and when the informant returned he
found that his Bolero was missing, then he made thorough
search but he did not find it.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and they have been falsely implicated in this case. It is also submitted that petitioners are not named in the F.I.R.. It is submitted that only on the basis of confessional statement of co-accused Sunil Kumar Singh, he has been made accused in this case. Nothing has been recovered from the possession of the petitioners. It is further submitted that the co-accused Sunil Kumar Singh, in his confessional statement, mentioned that he along with co-accused and other two companions have stolen the vehicle and sold the same. Thereafter, they divided the money which they got after selling the said vehicle. Lastly, it has been submitted that they have two criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners in connection with Siwan Town P.S. Case No. 261 of 2020, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Siwan, subject to condition as laid down



under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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