

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61358 of 2023

Arising Out of PS. Case No.-234 Year-2022 Thana- BHAGWAN BAZAR District- Saran

1. JITENDRA SHARMA @ NITAI SHARMA @ NITENDRA SHARMA Son of Pandit Sharma R/o vill - Bhatwalia, P.S. - Kopa, Distt. - Saran
2. Mantosh Sharma @ Mantosh Kumar Sharma Son of Pandit Sharma R/o vill - Bhatwalia, P.S. - Kopa, Distt. - Saran
3. Atendra Sharma Son of Pandit Sharma R/o vill - Bhatwalia, P.S. - Kopa, Distt. - Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 11-10-2023 1. Heard the learned counsel for the petitioners and learned APP for the State.
2. This is an application for grant of anticipatory bail in connection with A.B.P. No.121 of 2023, arising out of Bhagwan Bazar P.S. Case No.234 of 2022, registered for offences under Sections 457 and 380 of the IPC.
3. The allegation is regarding the accused persons having committed theft in the matrimonial house of the informant and having taken away jewellery and cash amount.
4. The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely



implicated in the present case. The learned counsel for the petitioners has further submitted that as far as the petitioner no.3 is concerned, he is having a clean antecedent, whereas though the petitioners no.1 and 2 are accused in one another case but they are on bail in the said case. It is also submitted that merely on suspicion the petitioners have been falsely implicated in the present case, however, neither there is any witness to the said occurrence nor any recovery of the stolen jewellery/cash amount has been made from the petitioner.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that neither there is any eyewitness to the alleged occurrence nor any stolen jewellery/cash amount has been recovered from the petitioners, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

7. Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of



four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., West at Chapra, in connection with A.B.P. No.121 of 2023, arising out of Bhagwan Bazar P.S. Case No.234 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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