

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65541 of 2023**

Arising Out of PS. Case No.-215 Year-2023 Thana- PAKARIBARAW
District- Nawada

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1. UDAY THATHERA @ UDAY KUMAR SON OF SIRI THATHERA @ SIRI SAW
RESIDENT OF VILLAGE TURKWAN, PS PAKRIBARAWAN, DIST- NAWADA
 2. AJAY THATHERA @ AJAY KUMAR SON OF SIRI THATHERA @ SIRI SAW
RESIDENT OF VILLAGE TURKWAN, PS PAKRIBARAWAN, DIST- NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-12-2023 Heard Mr. Praveen Kumar, learned counsel for the
petitioner and Mr. Ram Anurag Singh, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Pakaribarawan P.S. Case No. 215 of 2023 case registered for
the offence under Sections 381 and 411 of the Indian Penal Code.

The case relates to commission of theft from the house
of the informant.

Learned counsel appearing for the petitioners submits
that the petitioners, who are of clean antecedent, are innocent
and have falsely been implicated in this case. He further submits
that the allegation, as alleged in the F.I.R., is false and fabricated
and the petitioners have not committed any offence. He further



submits that the petitioners have been made accused in this case merely on the ground that the petitioners happen to be brother the co-accused, Ranji Kumar @ Karu Thathera. He further submits that the petitioners and the co-accused were having inimical terms with his brother and on account thereof, they have been made accused in this case. Save and except the confessional statement of the petitioners, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioners in the alleged occurrence.

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

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of thier arrest or surrender before the court below within a period of four weeks, 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 Judicial Magistrate-1st Class, Nawada in connection with Pakaribarawan P.S. Case No. 215 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient



reason, thier bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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