

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63074 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- KHODAWANDPUR District- Begusarai

1. CHHOTU SAH S/O DINESH SAH R/O SHINGHIA GHAT, P.S- BIBHUTIPUR, DISTT.- SAMASTIPUR.
2. ROHAN KUMAR @ RAKESH SAH @ NAKTA S/O CHHANNU SAH R/O SHINGHIA GHAT, P.S- BIBHUTIPUR, DISTT.- SAMASTIPUR.
3. ANIL SAH S/O LATE BHARAT SAH R/O SHANTU NAGAR, WARD NO. 2, P.S- MADHUBANI(T), DISTT.- MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioners and the learned A.P.P.

2. The petitioners have preferred this application for grant of regular bail in connection with Khodawandpur (Chhaurahi O.P.) P.S. Case No. 34 of 2023 dated 26.1.2023 registered for the offence punishable under Sections 457 and 380 of the Indian Penal Code.

3. The allegation as per the First Information Report is that the informant who is priest in Shiv and Hanuman temple of village Saidpur, locked the doors of the temples and returned to his house and on next morning when he went to the temple



premises, he found the lock was broken of the temples and gates were opened. The informant informed the villager and found all small and big bells along with other utensils related to worship were missing.

4. Learned counsel for the petitioners has submitted that the petitioners have not committed any offence in the manner alleged. They have falsely been implicated in this case with oblique motive. He has further submitted that the petitioners were not apprehended on the spot. The petitioners were arrested along with other accused by Pupri Police on the basis of suspicion in connection with Sitamarhi Pupri P.S. Case No. 109 of 2023 and in that very case they confessed and also admitted their involvements in the present case, and on that basis, the petitioners have been made non-F.I.R. accused of this case. The FIR is lodged against unknown. He has next submitted that the name of the petitioners have transpired in the confessional statement of the co-accused and there is no recovery from possession of the petitioners. The petitioners are in custody since 2.5.2023.

5. On the other hand, learned A.P.P. has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances



of the case, the petitioners above named are directed to be released on bail on their furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each, with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Manjhaul, Begusarai, in connection with Khodawandpur (Chhaurahi O.P.) P.S. Case No. 34 of 2023 subject to the following condition:-

(i) that the petitioners will be well represented on each date in the trial and if they fail to do so on two consecutive dates without reasonable cause, their bail bonds will be liable to be cancelled.

(Chandra Prakash Singh, J)

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