

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64703 of 2023

Arising Out of PS. Case No.-169 Year-2023 Thana- JAMUI District- Jamui

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Babua Singh @ Abhijit Kumar Singh @ Abhinit Kumar Singh Son of Rajesh Kumar Singh @ Bikku Singh Resident of Village - Mahisouri, P.S.- Jamui, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 20-12-2023 Heard Mr. Rakesh Singh, learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Jamui P.S. Case No. 169 of 2023, registered for the offences punishable under Sections 457 and 380 of the Indian Penal Code.

3. The prosecution case is based on the written report of the informant, alleging therein, that on 15.03.2023, the unknown miscreants committed theft of ornaments, cash, T.V., fridge, washing machine, gas cylinder, utensils etc., from the house of the informant while she had gone to Patna.

4. Learned counsel appearing on behalf of the



petitioner submits that the FIR has been instituted against unknown miscreants, however, during the course of investigation, one Md. Akram was apprehended by the police in connection with Jamui P.S. Case No. 179 of 2023 and on whose disclosure, a raid was conducted. From the house of the petitioner, allegedly one gas cylinder and sound box have been recovered, which is said to have been stolen property, however, from bare comparison to the FIR of Jamui P.S. Case No. 169 of 2023 and the seizure list, it appears that there was no whisper of theft of sound box, moreover, the gas cylinder is a common article, which is used in every family and the same has not put on Test Identification Parade and thus, it cannot be said to be stolen article. The petitioner has brought on record the gas connection receipt issued in favour of his father and grandfather, and submitted that the gas cylinder was a purchased one. He next submitted that so far the subsequent case being Jamui P.S. Case No. 179 of 2023 is concerned, in the said case, the petitioner has been allowed the privilege of anticipatory bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 65414 of 2023 vide order dated 07.11.2023. He lastly submits that save and except the aforementioned case, the petitioner has fair antecedent and he undertakes that he will fully co-operate in the investigation or in



the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that stolen articles have been recovered from the house of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the recovered articles have not been put on Test Identification Parade, all the more the sound box, which is said to be a stolen article, that was not the subject matter of theft, let the petitioner above named be released on bail, in the event of his 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, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 169 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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