

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7876 of 2024

Arising Out of PS. Case No.-962 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

1. Upendar Kahar S/o- Munna Kahar Village - Darauli, P.S. - Bhabua, District - Kaimur, Bhabua.
2. Ajay Prajapati @ Ajay Prajapathi son of Niraj Prajapati Village - Darauli, P.S. - Bhabua, District - Kaimur, Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Sunil, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Bhabua P.S. Case No. 962 of 2023, registered for the alleged offence under Sections 413, 414, 34 of the Indian Penal Code.

03. As per prosecution case, on information being received by the police party about dismantling of the part of stolen e-rickshaw by five persons, a raid was conducted at the identified place and three persons were apprehended from the spot whereas two persons fled away from the spot, who are stated to be the petitioners. Recovery of several parts of e-rickshaw along with e-rickshaw were made from the spot.



04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Learned counsel for the petitioners submits that petitioners have got nothing to do either with the seized e-rickshaw or with the co-accused persons. Due to village politics, the petitioners have been named in this case. The petitioners have not committed theft of e-rickshaw and even they were not present at the spot at the relevant point of time. The petitioners are daily wages labourers and used to earn their livelihood by working in the paddy field of others. Moreover, nothing incriminating has been recovered from the possession of the petitioners. Learned counsel further submits that the petitioners have got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of substantive material against the petitioner and further considering the possibility of false implication, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Kaimur (Bhabua)/concerned court in connection with Bhabua P.S.
Case No. 962 of 2023, subject to the condition laid down under
Section 438(2) of the Code of Criminal Procedure and other
following conditions:

- (i) One of the bailors will be a close relative of the
petitioners.
- (ii) The petitioners will remain present on each and
every date fixed by the court below, if so required
by the learned trial court.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

