

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14311 of 2024

Arising Out of PS. Case No.-293 Year-2023 Thana- PAHARPUR District- East Champaran

Raju Kumar Son of Bali Sah Resident of Village- Sataha Kachhari Tola, P.S.-
Paharpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 14317 of 2024

Arising Out of PS. Case No.-293 Year-2023 Thana- PAHARPUR District- East Champaran

Chandeshwar Prasad Son of Late Chetharu Prasad Resident of Village- Sataha
Banwa Tola, P.S.- Paharpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 14311 of 2024)
For the Petitioner/s : Mr. Mrityunjay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP
(In CRIMINAL MISCELLANEOUS No. 14317 of 2024)
For the Petitioner/s : Mr. Mrityunjay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-03-2024 Since both the Criminal Misc. Applications arise out

of Paharpur P.S. Case No. 293 of 2023, as such, they have been

taken up together and are being disposed of by this common

order.

02. Heard learned counsel for the petitioners and

learned A.P.P. for the State.



03. In the present case, the petitioners are apprehending their arrest in connection with Paharpur P.S. Case No. 293 of 2023, registered for the alleged offence under Sections 414/34 of the Indian Penal Code.

04. As per prosecution case, the petitioners and other co-accused persons committed theft of machinery parts of Sugar Mill Machine in a closed Sugar Mill and they have kept the stolen articles concealed at the scrap shop of petitioner-Raju Kumar. A raid was conducted at the spot and two co-accused persons, Manish Kumar and Laddu Kumar were apprehended and recovery of pipes of iron and steel, used in boiler machine for water supply, weighing around 03 quintals was made. The apprehended co-accused persons disclosed the names of petitioners who were also involved in committing theft and bringing the stolen articles to the scrap shop.

05. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Petitioner-Raju Kumar holds a scrap dealer's license, who purchased the pipes from the vendors and he has no means to ascertain whether seized pipes were stolen or not. Learned counsel further submits that the seized articles are not stolen as none has lodged any case for theft of those articles. Learned



counsel further submits that petitioner-Raju Kumar is having criminal antecedent of five cases and he is on bail in all such cases. Learned counsel further submits that so far as petitioner-Chandeshwar Prasad is concerned, there is no specific allegation against him except the secret information of the police and confessional statement of co-accused persons showing his involvement. Petitioner-Chandreshwar Prasad is having criminal antecedent of only one case, in which, he is on bail.

06. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that the petitioners are habitual offender and both the petitioners are accused in Paharpur P.S. Case No. 162 of 2021 and the petitioner-Raju Kumar is accused in four more cases of similar nature.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the recovery of stolen articles from the shop of petitioner-Raju Kumar, I am not inclined to grant anticipatory bail to the petitioner. Hence, prayer for anticipatory bail of petitioner is hereby **rejected**.

08. Since there is no specific allegation against the petitioner-Chandreshwar Prasad about any overt act in the alleged offence and considering the lack of substantive material



against him, let the petitioner-Chandreshwar Prasad, in the even of his 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) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XI, Motihari, East Champaran/concerned court in connection with Paharpur P.S. Case No. 293 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 petitioner.
- (ii) The petitioner 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)

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