

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25008 of 2024

Arising Out of PS. Case No.-95 Year-2021 Thana- RAJEPUR District- East Champaran

1. Raj Kumar Rai Son of Budhan Rai Resident of Village- Bhagwatiya, P.S.- Rajepur, Dist.- East Champaran
2. Ram Pravesh Rai Son of Budhan Rai Resident of Village- Bhagwatiya, P.S.- Rajepur, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 379, 414, 413, 120(B) read with Section 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant based on confessional statement of apprehended accused in police custody which does not have any evidentiary value. It is further submitted that no doubt allegation is of committing theft of motorcycle, but then petitioners were not present at the place of



occurrence and they came to be implicated based on confessional statement of apprehended accused during the course of investigation. It is also submitted that apart from confession there is nothing which could even remotely connect the petitioners with the offence.

4. Learned counsel for the petitioners further submits that petitioners will not abscond rather will co-operate in the investigation. It is next submitted that similarly situated co-accused Chhotu Singh @ Nishant Kumar had approached this Court seeking anticipatory bail by filing Cr. Misc. No. 13042 of 2024 and the same was allowed by an order dated 14.03.2024.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Rajepur P.S. Case No. 95 of 2021 subject to the conditions as



laid down under Section 438 (2) of the Cr.P.C.

7. One of the bailors of the petitioners shall be their father Budhan Rai.

8. However, it is made clear that, in the event, if the Investigating Officer of the case files an application before the learned trial Court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioners and to take all coercive steps to ensure that petitioners are behind bar. It is further made clear that if police after investigation submits charge-sheet connecting the petitioners with the offence, in that event, the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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