

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29972 of 2024

Arising Out of PS. Case No.-1036 Year-2023 Thana- FORBESGANJ District- Araria

Md. Jahir @ Jahir, Son of Late Md. Jalil, Resident of village - Bhagkohalia,
Police Station - Forbesganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 29986 of 2024

Arising Out of PS. Case No.-1036 Year-2023 Thana- FORBESGANJ District- Araria

Akshay Kumar Verma, S/o Sri Pramod Kumar Verma, R/o J.N. Path, ward no.
20, Forbesganj, P.S. - Forbesganj, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29972 of 2024)

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

(In CRIMINAL MISCELLANEOUS No. 29986 of 2024)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate

Mrs. Vaishnavi Singh, Advocate

Mr. Purshottam Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-06-2024 Since both the petitions arise out of Forbesganj P.S.

Case No. 1036 of 2023, as such, they have been taken up

together and are being disposed of by this common order.

2. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

3. In this case, the petitioners are apprehending their
arrest in connection with Forbesganj P.S. Case No. 1036 of
2023, registered on 20.11.2023 for the offences under Sections



457 and 380 of the Indian Penal Code.

4. As per prosecution case, a theft was committed in the house of the informant and the unknown thieves took away a large number of gold and silver ornaments, cash and other household articles from the house of the informant. The name of the petitioners transpired during investigation as the miscreants involved in the said occurrence.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioners are not named in the FIR and he has been named in this case merely on suspicion on the basis of confessional statement of co-accused. There is no material against the petitioners regarding his involvement in the present case. Nothing incriminating has been recovered from the conscious possession of the petitioners. It has been submitted on behalf of the petitioner Akshay Kumar Verma that his name transpired on the basis of tower location of mobile number but the said mobile number does not belong to this petitioner. Similarly, the confessional statement given by the co-accused is out and out a false statement and no specific allegation for any particular act has been levelled against this petitioner and simply his name has been given as accused who participated in



the occurrence but the same appears to be with ulterior motive. Learned counsel further submits that Co-accused Sarbar Alam has been granted anticipatory bail by this Court vide order dated 04.04.2024 passed in Cr. Misc. No. 21822 of 2024. Petitioner Md. Jahir @ Jahir is having clean antecedent whereas petitioner Akshay Kumar Verma is accused in six other cases but he is on bail in all such cases except which has been compounded.

6. Learned APP opposes the prayer for anticipatory bail.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that allegation against the petitioners appears to be based on suspicion without any substantive material coupled with possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds 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, Araria/court concerned in connection with Forbesganj P.S. Case No. 1036 of 2023, subject to the conditions as 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)

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