

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35356 of 2024**

Arising Out of PS. Case No.-527 Year-2023 Thana- GHORASAHAN District- East
Champaran

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1. Anil Dhankar, Male, aged about 25 years, Son of Vinod Dhankar.
 2. Raj Dhankar, Male, aged about 24 years, Son of Nathu Dhankar.
 3. Ranjeet Dhankar. Male, aged about 30 years, Son of Rajendra Dhankar. All are resident of Village- Hanuman Nagar Gulariya, P.S- Ghorasahan, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 06-09-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Ghorasahan P.S. Case No. 527 of 2023 instituted for the offences punishable under Sections 380 and 457 of the Indian Penal Code.

3. As the prosecution case, it is a case of theft in the house of the informant.

4. Learned counsel for the petitioners submits that petitioners are innocent and has falsely been implicated in this case due to confusion and suspicion. He further submits that



petitioners are not named in the FIR and the FIR has been lodged against unknown. The name of the petitioners surfaced in the present case only on the basis of statement of nabbed co-accused Mahesh Dhankar, who was agnate of the petitioners. He next submits that due to agnate, the co-accused Mahesh Dhankar has named these petitioners in the present case. He further submits that the aforesaid seized articles were never put on Test Identification Parade and petitioners have got clean antecedent, except petitioner no. 3, who has one criminal antecedent.

5. Learned APP for the State has opposes the prayer for bail.

6. From perusal of the FIR and the impugned order dated 08.02.2024 passed by the learned Additional District and Sessions Judge-Vth, Motihari, East Champaran, it appears that petitioners are not named in the FIR and the recovered stolen articles were found from the house of co-accused Mahesh Dhankar, Roushan Dhankar and Anil Dhankar (petitioner no. 1) and name of the petitioners surfaced from the confessional statement of other co-accused. It appears that all the petitioners belong to same family. From perusal of the case diary, it appears that during course of investigation the name of the petitioners



were surfaced and the investigation is still going on and in paragraph 48 of the case diary, it appears that the recovered articles have been identified by the informant.

7. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties as well as involvement of the petitioners in the alleged commission of offence, I am not inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the prayer for bail of the petitioners stands dismissed.

9. It is made clear that if the petitioners surrender before the trial Court within a period of 30 days from today, then the trial Court may consider their prayer for bail of the petitioners on the same day without being prejudiced by this order.

(Ramesh Chand Malviya, J)

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