

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41874 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- DUMRAO District- Buxar

1. Ravi Yadav @ Ravi Kumar Yadav @ Rabi Kumar Yadav @ Bade, aged about 25 years (Male), S/O Fudena Yadav, Resident Of Village Banjhu Dera, P.S. Dumraon, Distt-Buxar.
2. Raj Kumar Yadav @ Chhote, aged about 23 years (Male), S/O Fudena Yadav, Resident Of Village-Banjhu Dera, P.S. Dumraon, Distt-Buxar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Arun Kumar Gupta, Advocate
For the Opposite Party	:	Mr. Dinesh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-06-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Dumraon P.S. Case No. 61 of 2024 dated 24.02.2024 registered for the offence punishable under Section 379 of the Indian Penal Code.

3. As per the prosecution case, on 24.02.2024, the informant was doing the work of decoration in the temple of 'Maa Baswani', Dumraon, for two days alongwith the speaker and machine. In the meantime, some unknown miscreants have committed theft of speaker and Machine worth Rs. 97,000/- from the premises of the said temple.



4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners are not named in the F.I.R. Their names have sprung up in the present case on the basis of the confessional statement of the co-accused. It is further submitted that prior to lodging of the present case, the petitioner no. 1 had filed an Informatory Case No. 3574 of 2023 on 16.12.2023 before the learned C.J.M., Buxar, stating therein that Jitendra Yadav, Tiger Police posted in Dumraon Police Station, molested his sister and on objection, he assaulted his brother and the sister and he also demanded rangdari and it is expected that he can do wrong with his family members. It is further submitted that the Jitendra Kumar Singh, S.I., of Dumraon Police Station, lodged Dumraon P.S. Case No. 65 of 2024 for the offences under Section 414 and other allied Sections of the I.P.C. against the petitioners and their family members on 26.02.2024, he got secret information that the petitioners are known thieves and all theft articles were kept in their house, upon which, he proceeded there and on search several articles were recovered. It is further submitted that the petitioner no. 1 is a proprietor of R.K.D.J., recording dance, S.P. Orchestra Sangeet Kala Company, Dumraon which will be



evident from Annexure-P/4 to the bail petition. It is further submitted that after perusal of the seizure list of Dumraon P.S. Case No. 65 of 2024, it appears that articles which are used in performing the programme on stage and as such no theft article was recovered. It is further submitted that after comparing seizure list of Dumraon P.S. Case No. 65 of 2024 and with the seizure list of the present Dumraon P.S. Case No. 61 of 2024, it appears that the recovered article did not tally with the article which was seized in the present Dumraon P.S. Case No. 61 of 2024. The petitioners have five criminal antecedents each as stated in paragraph no. 3 of the bail petition. They are in custody in this case since 16.03.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners by submitting that the stolen articles have been recovered from possession of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Dumraon P.S. Case No. 61 of 2024



with further condition:-

(I) The petitioners are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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