

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48119 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- TAJPUR District- Samastipur

1. MD. SITARE @ MD. SITOR SON OF MD. SOHAIL @ MD. SUHEL @ MD. SUHAIL RESIDENT OF VILLAGE - MADHOPUR DIGHARUA, POLICE STATION - TAJPUR, DISTRICT - SAMASTIPUR
2. MD. SOHAIL @ MD. SUHEL @ MD. SUHAIL SON OF MD. SERAJUL @ MD. SORAJUL RESIDENT OF VILLAGE - MADHOPUR DIGHARUA, POLICE STATION - TAJPUR, DISTRICT - SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar, Adv
For the Opposite Party/s : Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-08-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Tajpur P.S. Case No. 45 of 2024 for the offence registered under sections 379, 461 of the Indian Penal Code lodged on 03.02.2024 by the informant Ajit Kumar.

3. As per the prosecution story, the informant alleged that he is in the tent business and one fine morning, saw the lock of the warehouse broken and removal of machines of Ahuja company/certain bulbs worth Rs. 1,50,000/- and upon query from the villagers, they informed that both father and son were taking away the stolen articles on their cycle. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that both are in the same business and only due to business rivalry,



this implication. He further submits that it is unbelievable that the villagers saw the two accused persons taking away the machines on cycle but neither raised '*hulla*' nor informed the informant.

5. Further submission is that the wife of the informant has also lodged case against the informant side and he do not have criminal antecedent.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the villagers have seen the accused persons/petitioners taking away the machines.

7. Moreover, this Court finds force in the submission put forward by the learned counsel for the petitioners. The villagers claim that they saw the two petitioners taking away the machines. There is nothing on record to show why and under what circumstances, they neither raised *hulla* nor informed the informant. This coupled with the fact that the petitioner's side also lodged FIR and both of them do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt



of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M in connection with Tajpur P.S. Case No. 45 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

U		T	
---	--	---	--

