

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51510 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- Badem P.S. District- Aurangabad

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1. Santosh Kumar Son of Keshar Yadav Resident of Village - Sewaine, P.S.- Barachatti, District - Gaya (Bihar).
 2. Arvind Kumar Son of Keshar Yadav Resident of Village - Sewaine, P.S.- Barachatti, District - Gaya (Bihar).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Md. Nazir Ansari, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Badem P.S. Case No. 16 of 2024, registered for the alleged offence under Section 414 of the Indian Penal Code.

03. As per prosecution case, police received information about co-accused Manoj Singh hiding iron pipes of NTPC on his land. A raid was conducted and two persons fled away from the spot. On search, the police party found 10 pieces of iron pipe loaded on the truck and further recovery of 40 pieces of iron pipe and 02 oxygen cylinders kept in a pile of straw on the land adjacent to the house of Manoj Singh was



made. The petitioners are stated to be owner and driver of the truck which was seized from the spot.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners were not knowing that the iron cut pipes were allegedly stolen articles. The petitioners were only used to transport the pipe on payment of certain amount of money. The petitioners have no concern with the seized pipes. Learned counsel further submits that though it is said that iron pipes were stolen from NTPC, but NTPC has not registered any case of theft of iron pipes. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that thrust of main allegation is against co-accused Manoj Singh and there is probability of false accusation, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of



the like amount each to the satisfaction of learned ACJM-I, Aurangabad in connection with Badem P.S. Case No. 16 of 2024, subject to the condition 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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