

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57961 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- SARAI District- Vaishali

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1. Bajrang Kumar Singh @ Bajrangi Singh S/o- Ram Prasad Singh Village- Anjani PS- Sarai Distt- Vaishali
 2. Gauri Devi wife of Bajrang Kumar Singh @ Bajrangi Singh Village- Anjani PS- Sarai Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Choudhary, Advocate.
For the Opposite Party/s : Mr.Madhura Nand Jha, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-09-2024 Heard Mr. Ramesh Kumar Choudhary, learned counsel appearing on behalf of the petitioners and Mr. Madhura Nand Jha, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Sarai P.S. Case No. 65 of 2024 registered for the offence punishable under Section 379/34 of the Indian Penal Code.

3. The allegation is of commission of theft of the motorcycle of the informant bearing Registration No. BR 31 AV 3114.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are not named in the F.I.R. They are innocent and they have no connection with the alleged theft of the motorcycles which have been seized by the



police officers. The name of the petitioners has surfaced in the case on the disclosure of the co-accused Munna Kumar and Nehal Kumar who were arrested along with the motorcycles. Learned counsel further submitted due to enmity co-accused Nehal Singh has taken the name of the petitioners for the reason that father of the petitioner Bajrang Kumar Singh had lodged a criminal case against the father of the apprehended accused Nehal Kumar in the year 2004.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that stolen motorcycles have been recovered from the possession of co-accused Munna Kumar and Nehal Singh and not from the possession of the petitioners and said co-accused have taken the name of the petitioners due to enmity because the father of the petitioner no.1 had lodged a criminal case against the father of the co-accused Nehal Kumar and in this regard petitioner has made specific statement in Para-7 of the bail petition, I am of the opinion that the petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be



released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XVI, Vaishali at Hajipur in connection with Sarai P.S. Case No. 65 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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