

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75141 of 2024

Arising Out of PS. Case No.-428 Year-2023 Thana- MADHUBAN District- East Champaran

1. Niraj Kumar @ Mithailal Sahani Son of Motilal Sahani, R/O Vill.- Savangiya, P.S.- Madhuban, Dist.- East Champaran.
2. Shatrudhan Kumar @ Shatrudhan Sahani Son of Dinesh Sahani @ Dinesh Sahni R/O Vill.- Savangiya, P.s.- Madhuban, Dist.- East Champaran.
3. Ashok Sahani Son of Ramadhar Sahani R/O Vill.- Derwa Malahi Tola, P.s.- Kesariya, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 81452 of 2024

Arising Out of PS. Case No.-428 Year-2023 Thana- MADHUBAN District- East Champaran

Raja Kumar @ S. C. Ranjan Kumar Son of Umesh Prasad Resident of Sawangia, P.S. - Madhuban (Garahiya Opposite Party), District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 75141 of 2024)

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 81452 of 2024)

For the Petitioner/s : Mr. Patanjali Rishi, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 20-12-2024 Since both the applications arise out of the same P.S. case, hence, with consent of the parties, they are taken up together and disposed off by a common order.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.



3. The petitioners apprehend their arrest in connection with Madhuban P.S. Case No. 428 of 2023 initially registered for the offence punishable under Section 379 of the Indian Penal Code and later on Section 411 of the I.P.C. and Sections 25(1-b)a, 26 and 35 of the Arms Act were added.

4. Allegedly, in the night of 21.08.2023, the trailer of the informant containing 1500 paver blocks was stolen by some unknown thieves leading to lodging of the FIR.

5. Learned counsel for the petitioners contended that the FIR has been instituted against unknown thieves. However, during the course of investigation, on the disclosure made by co-accused Anish Kumar, the name of the petitioners have surfaced. Save and except the confessional statement of co-accused Anish Kumar, there is no material suggesting complicity of the petitioners in the crime. It is further contended that the trailer was recovered from the orchard of co-accused Raj Kumar Yadav, who is not before this Court. The petitioners (in Criminal Misc. No. 75141 of 2024) have absolutely clean antecedent whereas petitioner (in Criminal Misc. No. 81452 of 2024) has two criminal antecedent. It is lastly contended that one of the co-accused persons having similar allegation has been allowed the privilege of anticipatory bail by this Court in



Cr. Misc. No. 64704 of 2024 vide order dated 29.11.2024.

6. On the other hand, learned counsel for the State opposed the bail applications.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime in question is triable by the Magistrate and save and except the confessional statement, there is no material suggesting complicity of the petitioners nor any incriminating material has been recovered even from their constructive possession, let the petitioners, named above, be released on bail, in the event of their arrest or surrender before the court below within a period four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari/concerned court in *seisin* of the case in connection with Madhuban P.S. Case No. 428 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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