

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81732 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- MADHEPUR District- Madhubani

1. Md. Mujahid Son of Ramjani Shekh Resident of Village - Pipra, P.S. - Madhepur, District - Madhubani
2. Md. Hira Son of Md. Nasim @ Kari Resident of Village - Pipra, P.S. - Madhepur, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Satendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-01-2024 Heard Mr. Baleshwar Kamat, learned counsel appearing on behalf of the petitioners and Mr. Satendra Narayan Singh, the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Madhepur PS Case No. 20 of 2023 dated 28.01.2023 (G.R. No. 152 of 2023), registered for the offences punishable under Sections 457, 380 and 34 of the Indian Penal Code.

3. The allegation against the petitioners is of theft of bicycle from the house of the informant.

4. Learned counsel appearing on behalf of the petitioners submit that from the FIR itself it is evident that the informant identified only Md. Samshad through the CCTV

installed in his house. However, only on suspicion the name of the petitioners have been implicated in this case. It is further submitted that the petitioners are known to the informant and after the incidence, all the persons came to their house, but there is no recovery of any theft article from the whereabouts of the petitioners. Moreover, during the course of investigation no other material has come suggesting the complicity of the petitioners in the present crime. He lastly submits that the petitioners are men of fair antecedent and undertake that they will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel appearing on behalf of the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners have not been identified in the CCTV footage, coupled with the fact of their fair antecedent, let the petitioners above named be released on bail, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt / production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional

Chief Judicial Magistrate-I, Jhanjharpur in connection with **Madhepur PS Case No. 20 of 2023**, subject to the conditions laid down in Section 438(2) of Cr.P.C. with the further condition that one of the bailors shall be the own / close family members of the petitioner.

(Harish Kumar, J)

Shahnawaz/-

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