

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1276 of 2024

Arising Out of PS. Case No.-683 Year-2021 Thana- MAJHAULIA District- West Champaran

1. Amrendra Tiwari S/O Nathuni Tiwari R/O GAURA BAZAR, P.S.- KATEYA, DIST.- GOPALGANJ, BIHAR
2. Surya Pal S/O Ram Ratan R/O VILLAGE- HATWA, P.S.- TRILOKPUR, DIST.- SIDDHARTH NAGAR, UTTAR PRADESH

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abu Nasar

For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioners as well as learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 379 of the Indian Penal Code.

3. Allegedly, the petitioners are said to have looted a tractor loaded with fertilizer.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather



general and omnibus in nature. There is no specific overt act against the petitioners. Petitioners are not named in the FIR but during the course of investigation, the I.O. learnt about two confessional statements recorded in different cases. The confession of one Vikash Kumar Yadav was recorded in Lauriya P.S. Case No.10 of 2022, the names of the petitioners transpired in the present case. He submits that two cases has been lodged for the same offence against the petitioners. He further submits that nothing has been recovered from the conscious possession of the petitioners. Petitioners have one criminal antecedent, which is also mentioned in para-3 of the bail application.

5. Learned APP for the State opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Majhualiya (West Champaran) P.S. Case



No.683 of 2021, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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