

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11325 of 2024

Arising Out of PS. Case No.-1157 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. Bittu Kumar @ Buttu Kumar S/O- Upendra Sah Resident Of Village-Dhanoura, Ps- Rasalpur, Dist- Bhagalpur
2. Deepak Sah @ Deepak Kumar S/O Koko Sah Resident Of Village-Dhanoura, Ps- Rasalpur, Dist- Bhagalpur
3. Mithilesh Kumar @ Mithlesh Sah S/O Teti Sah Resident Of Village-Dhanoura, Ps- Rasalpur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Kahalgaon (Rasalpur) P.S. Case No. 1157 of 2023, dated 06.10.2023 registered for the offences punishable under Section 414 of the Indian Penal Code.

3. As per prosecution case, the informant got secret information that petitioners were about to go towards Sanokhar with stolen iron centering plate and other materials. Thereafter, informant along with police started searching the vehicles. In the meantime, seeing the police team, one *Jugad Gadi* and

motorcycle tried to flee and police chased them but they succeeded in fleeing away. The local *Choukidar* disclosed the name of the petitioners, who fled away from the place of occurrence. The articles were recovered from the *Jugad Gadi* and seizure list prepared accordingly.

4. Learned counsel for the petitioners submits that the petitioners are quite innocent and have committed no offence as alleged in the F.I.R. The petitioners are not in any way connected with *Jugad Gadi*. The motorcycle in question also does not belong to the petitioners. They are not the owners of the vehicle in question. The petitioners are not in any way connected with the seized vehicle or the material recovered from the seized vehicle. There is complete violation of Section 100 of the Cr.P.C. as seizure list witnesses were police constable. The petitioners have no criminal antecedent and very crux of the present F.I.R. is that no one has filed case of theft regarding the alleged recovered material, in that situation no offence is made out against the present petitioners.

5. Learned A.P.P. for the State vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioners,

argument advanced on behalf of both sides and also taking into consideration the materials available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhagalpur in connection with Kahalgaon (Rasalpur) P.S. Case No. 1157 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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