

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22165 of 2025**

Arising Out of PS. Case No.-237 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

Sagar Ram Son of Late Bhagat Ram @ Late Bharat Ram Resident of Village -
Gandhi Nagar, Dompatti (Teliyapatti Ward No. 03), P.S. - Motihari Town,
District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-07-2025 Heard Mr. Ajay Kumar Singh, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

2. The petitioner is apprehending arrest in connection
with Town P.S. Case No. 237 of 2024 instituted under Section
379 of the Indian Penal Code lodged on 23.04.2024 by the
informant, Sunil Sawariya.

3. As per the prosecution story, the informant alleged
that in connivance with the staff, the accused committed theft in
his godown. Though, the locals caught them, they managed to
escape before the police had arrived. The names have been
recorded which include the petitioner herein. Accordingly, the
FIR.



4. Learned counsel for the petitioner submits that a perusal of the FIR would show that a vague allegation has been made without recording the theft items. It is unbelievable that once caught by the locals, anyone can escape.

5. Learned APP on the other hand opposes the prayer submitting that the allegation of theft on the godown is there.

6. Taking into account the aforesaid facts as also that the petitioner has no criminal antecedent, nor the facts have been completely recorded in the FIR, investigation will take place, an undertaking has been given that the petitioner shall be cooperating in it, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Town P.S. Case No. 237 of 2024 to the satisfaction of learned C.J.M., Motihari, East Champaran or successor Court subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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