

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34081 of 2025

Arising Out of PS. Case No.-491 Year-2024 Thana- SINGHESHWAR District- Madhepura

1. Amar Kumar S/o Bijendra Yadav R/o vill - Patori, ward no. 9, P.s.- Singheshwar, Distt.- Madhepura
2. Dipak Kumar @ Deepak Kumar S/o Dinesh Yadav @ Dinesh Kumar Yadav R/o vill - Patori, ward no. 9, P.s.- Singheshwar, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Singheshwar P.S. Case No. 491 of 2024 registered for the offences punishable under Sections 303(2) and 317(2) of the B.N.S.

3. As per prosecution case, petitioners and co-accused Amit Kumar are said to have committed theft of motor pump from the courtyard of informant's house. It is further alleged that informant alongwith some member of Panchayat went to the house of petitioner no. 1 and recovered motor pump. Thereafter, petitioner no. 1 alongwith motor pump was produced in Panchayat. It is alleged that during the course of Panchayat,



petitioner no. 2 started abusing the informant and threatened him to kill and when the same was protested by the informant, petitioner no. 2 thrashed the informant on the ground and assaulted him. In the meanwhile, both petitioners managed to escape from the place of occurrence. Thereafter, with the help of Panchayat and local people, motor pump and co-accused Amit Kumar were handed over to the police.

4. Learned counsel for the petitioners submits that the said motor pump was stolen and recovered from one Sunil Mehta of Ward No. 9 and he produced the said motor pump before the Panchayat in order to save himself and the concocted story has been planned under dirty village politics to take revenge of last Panchayat election. He further submits that from the bare perusal of FIR and seizure list it appears that the alleged recovery has been made from co-accused Amit Kumar. He further submits that informant and petitioners are close agnates and next door neighbour. In the light of the aforesaid facts and circumstances of the case, offence under Section 303(2) and 317(2) are not maintainable against the petitioners as there is no proof that the alleged recovery has been made from the house of petitioner no. 1. He further submits that FIR has been registered after three days from the date of occurrence which casts doubt upon the authenticity of the prosecution story. Petitioners are innocent and



have committed no offence as alleged in the FIR. He further submits that just to harass the petitioners, they have falsely been implicated in the present case. Petitioners bear no criminal antecedent. It has been orally submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material 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., Madhepura in connection with Singheshwar P.S. Case No. 491 of 2024, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

8. However, it is made clear that if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners despite giving



assurance to this Court are not co-operating in the investigation,
in that event, the learned trial court shall be at liberty to cancel
the bail bonds of the petitioners.

(Alok Kumar Pandey, J)

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