

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35166 of 2025**

Arising Out of PS. Case No.-402 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

Shiv Kumar @ Shiv Kumar Thakur S/o- Phulo Jha @ Phulo Kant Thakur
Village - Athari @ Athri, P.S. - Runnisaidpur, Dist. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 03-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Runnisaidpur P.S. Case No. 402 of 2021 registered for the offences punishable under Sections 457 and 380 of the Indian Penal Code.

3. As per prosecution case, petitioner is said to have entered informant's house after breaking the gate and stolen jewellery worth Rs. 30,000/-, two keys of motorcycle, RC Book and paper of motorcycle, VIP suit case containing clothes and other articles and fled away

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. He further submits that petitioner has falsely been



implicated in this case due to previous enmity with the informant as petitioner and informant are the resident of the same village. He further submits that from the perusal of FIR, it appears that the occurrence took place on 07.07.2021 and FIR was lodged on 11.07.2021 i.e. after delay of about four days. He further submits that no plausible explanation has been given by the informant regarding the said delay. Basically, no incriminating article has been recovered from the conscious possession of the petitioner. Petitioner bears no criminal antecedent. It has been orally submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his 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) with two sureties of the like



amount each to the satisfaction of learned C.J.M.,
Sitamarhi/Competent Jurisdiction in connection with
Runnisaidpur P.S. Case No. 402 of 2021, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

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 petitioner despite giving
assurance to this Court is not co-operating in the investigation,
in that event, the learned trial court shall be at liberty to cancel
the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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