

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56397 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- NTPC KHAIRA District- Aurangabad

Vikash Kumar Singh @ Vikash Kumar, Son of Jamuna Singh, R/O Vill.-
Pirauta, P.S.- NTPC Khaira, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
		Mr. Pramendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mrs.(Dr.) Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-01-2025 Heard Mr. Sanjay Kumar along with Mr. Pramendra Kumar Singh, learned counsel appearing on behalf of the petitioner and Mrs.(Dr.) Indihar Kumari, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with NTPC Khaira P.S. Case No. 29/24 registered for the offence(s) punishable under Sections 379 and 411 of the Indian Penal Code.

3. As per the allegation made in the FIR, which has been lodged by the site in-charge of NTPC, building materials were stolen and upon search by their internal investigation agency, it was found that the petitioner after stealing all the



articles has kept in his house and after locking of his house had fled away.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. He is a poor driver and the house is a joint family property. It is admitted that the stolen articles were kept in the house, however, the house was locked from outside and after breaking the lock in presence of one Ward Member, seizure list was prepared and FIR was lodged after showing the recovery of articles as mentioned in the FIR. Admittedly, the petitioner or any member of the house was not present at the time of alleged seizure and as such provision of Section 100 of Cr.P.C. was not followed by the police. Petitioner being innocent seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, the allegation made in the FIR, I find that petitioner has pleaded that house from which stolen articles have been recovered is a joint family property. No one is witness to the theft. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or



surrender before the learned District Court within a period of four weeks from today, 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., Aurangabad in connection with NTPC Khaira P.S. Case No. 29/24, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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