

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48625 of 2015

Arising Out of PS.Case No. -516 Year- 2014 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

1. Biru Gwala Son of Kamal Gwala Resident of Fata Pukar P.s Rajganj
District Jalpaiguri West Bengal.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.48670 of 2015

Arising Out of PS.Case No. -516 Year- 2014 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

1. Shakti Gwala, son of Sharma Gwala, Resident of Fata Pukur, P.S.-
Rajganj, District- Jalpaiguri, West Bengal.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.48625 of 2015)

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. Smt. Indu Kumari Srivastava (App)

(In Cr.Misc. No.48670 of 2015)

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. Indu Kumari Srivastava(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 30-01-2016 Both the Criminal Miscellaneous are of the same

occurrence and as such have been heard together and are being

disposed of by passing this common order.

Supplementary affidavit has been filed on behalf of

the petitioner Biru Gwala. Let it be kept on the record.

Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offence punishable under section 379 of the I.P.C

Allegedly, government motorcycle 'Apachi' bearing registration no. BR-31J-7022 was stolen away by the miscreants when the informant and other police personnel were chasing the miscreants to arrest them after parking the motorcycle. During investigation the petitioners have been implicated and were remanded from Riga P.S. Case No. 40 of 2015 as they were caught with cash and motorcycle whose registration number was found changed.

Submission is of false implication and that the petitioners have been allowed bail in Riga P.S. Case No. 40 of 2015, they are not named in the FIR and the FIR has been lodged after much delay, nothing has been recovered from the conscious possession of the petitioners, during investigation the police submitted final form no. 659 of 2014 in the present case holding the case true but no clue but after remand from Riga P.S. Case no. 40 of 2015 they have been implicated, prayer for bail of co-accused Pawan Gwala has been allowed bail by the learned court below itself vide B.P. No. 963 of 2015 and as such the petitioners

who are suffering in custody since 15.06.2015 deserve sympathetic consideration.

The learned A.P.P. opposes prayer for bail but fairly submits that the petitioners by remaining in custody now have been sufficiently penalized.

In the facts and circumstances as stated above, considering detention of the petitioners now they are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Vaishali at Hajipur in Hajipur Town P.S. Case No. 516 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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