

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46381 of 2016

Arising Out of PS.Case No. -555 Year- 2015 Thana -BAHERA District- DARBHANGA

1. Bhajan Bik @ Bhajan Bikar, S/o Man Singh Bik
2. Khagendra Bik @ Khagendra Bikar, S/o Dibesh Bik
Both R/o Village- Kelali, P.S.-Chuha, District-Kelali (Nepal)
.... Petitioner

Versus

The State of Bihar
.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha
For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 22-10-2016 Heard learned counsel for the petitioners and
learned counsel for the State.

In this case, the petitioners are seeking regular
bail in connection with Bahera P. S. Case No. 555 of 2015
registered for the offences under Sections 457 and 380 of the
Indian Penal Code.

A theft was committed in the house of the
informant and in the said thief, cash of Rs. 25,400/-, valuable
ornaments, documents of land, pension book certificate as well
as voter I.D. proof and other documents of family members
were looted by unknown miscreants.

Learned counsel for the petitioners submits that
the names of the petitioners have come during investigation on
the basis of the confessional statement of co-accused namely,

Jeevan Sunar. He further submits that nothing has been recovered from the possession of the petitioners but it has been suspected that the petitioners have a gang who involved in committing the theft.

Learned counsel for the petitioners has annexed order dated 07.04.2016 passed in Criminal Miscellaneous No. 14226 of 2016 and order dated 11.04.2016 passed in Criminal Miscellaneous No. 14773 of 2016 (Annexure-2(s)) whereby five other accused persons have been granted bail by this Court.

Looking to the facts and circumstances of the case, let the petitioners 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 the learned Additional Chief Judicial Magistrate, Benipur, Darbhanga in connection with Bahera P.S. Case No. 555 of 2015 (G.R. No. 554 of 2015), subject to the conditions that:-

(i) one of the bailors will be a close relative of the petitioners i.e. mother / father / wife / son of the petitioners;

(ii) if the petitioners are found involved in similar type of case in future, the prosecution will be at liberty

to make prayer for cancellation of his bail and the Court below will pass necessary order, including cancellation of bail and;

(iii) that the petitioners would participate in the court proceeding and in the event of being absent on two consecutive dates without reasonable explanation, the court below will be at liberty to cancel the bail bonds of the petitioners.

(iv) the petitioners shall mark their presence before the nearest police station by 7th of every month till six months.

(Shivaji Pandey, J)

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