

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7075 of 2016

Arising Out of PS.Case No. -251 Year- 2015 Thana -ALOULI District- KHAGARIA

1. Santosh Kumar son of Ramashray Ray @ Ramasarashray Rai
2. Tinku Rai son of Ramakant Roy
Both resident of Village- Poehiyari Malahi, P.S. Barh, District
Patna..... Petitioners

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. Ram Naresh Roy(App)

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

ORAL ORDER

2 03-03-2016 Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners seek bail in connection with Alauli P.S. Case
No. 251 of 2015 registered for the offences punishable under
Sections 412, 414/34 of the Indian Penal Code.

The petitioners are named in the first information report
and allegedly, the petitioners and co-accused Sujeet Kumar and
Pankaj Yadav were apprehended from Himanshu Lodge on the
basis of disclosure made by other co-accused.

It is submitted that the petitioners are neither the owner of
the truck from which the stolen iron rod was unloaded nor the
owner of the godown and the petitioners are suffering in custody
since 17.10.2015 whereas similarly situated co-accused Pankaj
Yadav has been allowed bail vide Cr.Misc. No. 57936 of 2015.

Learned APP is not in a position to distinguish the case of the petitioners from that of co-accused Pankaj Yadav.

In the facts and circumstances stated above, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Tarun Kumar Jha, J. M. Ist Class, Khagaria in connection with Alauli P.S. Case No. 251 of 2015, 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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