

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4682 of 2017

Arising Out of PS.Case No. -238 Year- 2016 Thana -PIRPAINTI District- BHAGALPUR

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1. Gugul Rai @ Antesh Rai S/o Dilip Rai @ Dilip Kumar Roy.
 2. Samrendra Rai @ Pintu Rai S/o Ram Nath Ray @ Rajnath Rai
 3. Bhim Thakur S/o Name Narayan Thakur
 4. Dhiraj Kumar Pandey @ Sonu S/o Bihari Pandey All Resident of Village- Chandpur P.S. Pirpainty District Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 14-02-2017 This is an application for grant of bail for offences punishable under Sections 379 and 411/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that allegation is of theft of six quintals of coal but petitioners have falsely been implicated in this case and are in custody since 9.12.2016. Petitioners no. 2 to 4 have got no criminal antecedent and so far as petitioner no. 1 is concerned, he is also accused in one more case. They are ready to abide by any conditions imposed upon them.

Heard learned A.P.P. also.

Having heard both sides, in view of the fact stated



above, let above named petitioners no 2 to 4 be enlarged on bail on furnishing bail bond of Rs.15,000/- (Fifteen thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Pirpainty P.S. Case no. 238 of 2016 with the following conditions:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the court concerned.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court and in the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail.

So far as prayer for bail of petitioner no. 1 is concerned, his prayer for bail is rejected. However, he may renew his prayer for bail after framing of charge in this case and that will be considered by the court below taking into account the period of detention of petitioner no. 1 without being prejudiced by the order of this Court.

With the aforesaid observation the present application



stands disposed of.

(Vinod Kumar Sinha, J)

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