

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43400 of 2017

Arising Out of PS.Case No. -197 Year- 2016 Thana -DARBHANGA District- DARBHANGA

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1. Anil Gwala, Son of Hariya Gwala, Resident of Village- Phata Pukur Jhanghipara, P.S.- Rajganj, District- Jalpaiguri (West Bengal).
 2. Sonu Kumar, Son of Late Balla Yadav, Resident of Village- Naya Tola, Jurabganj, P.S.- Kardha, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-09-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Darbhanga
(Town) P.S. Case No. 197 of 2016 for offences punishable under
Section 379 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he has taken out some money from the bank and gone towards
L.I.C. Branch and kept his bag on the counter and was filing some
bond papers, then some miscreants took away the bag containing
Rs. 1,50,000/-, some cheque-books and ATM cards along with
original bond papers, driving license etc.

It has been submitted by the learned counsel for the



petitioners that they are innocent, not named in the First Information Report and it is only on the confessional statement of one Sonu Kumar before the police which has no evidentiary value in the eye of law that they have been made accused and remanded in the present case and languishing in judicial custody since 28.04.2017. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioners.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioners are habitual offenders and one more case of similar nature is pending against them.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in connection with Darbhanga (Town) P.S. Case No. 197 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating their relationship with the petitioners and that petitioners will appear before the learned court below during trial



as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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