

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51065 of 2017

Arising Out of PS.Case No. -368 Year- 2017 Thana -KAHALGAON District- BHAGALPUR

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1. Krishna Deo Singh @ Gouri Son of Sri Rampyare Singh
2. Sonu Kumar Chaudhary @ Naga Son of Deoraj Chaudhary Both are
resident of village/ Mohalla- Naya Tola, Purani Sahenganj Town, Distt.-
Sahebganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. Sri Nand Kishore Pd

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 13-11-2017 Heard the parties.

The petitioners seek regular bail in connection with
Kahalgoan P.S.Case no.368 of 2017 registered for offences
punishable under Section 379 of the Indian Penal Code.

Petitioners are not named in the FIR and later on their name
transpired during the course of investigation of the case.

Submission of the learned counsel for the petitioners is that
they have been arrested only due to the fact that they happens to
be brother of one co-accused, who is in Jail and when they went to
meet him, they have been falsely implicated in this case and now
they are in custody for about 4 ½ months.

Heard learned A.P.P. also, who has opposed the prayer for



bail stating that the materials as come is that they had went there to hand over the key of the motorcycle to his brother.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhagalpur in connection with Kahalgoan P.S.Case No.368 of 2017.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the disposal of trial and make themselves available as and when required by the court and in the event of failure 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 bond.
- (iv) If their active participation is found in such type of cases in future, their bail bond shall be cancelled.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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