

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39129 of 2017

Arising Out of PS.Case No. -46 Year- 2017 Thana -KOTWALI District- PATNA

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1. Rajan Kumar, Son of Shiv Shankar Prasad,
2. Md. Harun Son of Late Tabark Hussain,
Both R/o Village- Bhagwanpur Kotwa, P.S.- Ghorasahan, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 12-12-2017 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners are languishing in judicial custody since
28.01.2017 in connection with Kotwali P.S. Case No. 46/2017
for offences punishable under Sections 401, 399, 402, 412 of
the Indian Penal Code.

The prosecution case, as lodged by the police
personnel, is that five persons including the petitioners, who
were alleged to be roaming about for committing crime,
were apprehended. From the possession of the petitioners,
some incriminating articles used for cutting shutters and
pointed iron khanti were recovered. Accordingly, a seizure-list



was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, no overt act has been committed by them and as per the report of the Superintendent of Police, East Champaran at Motihari they have no criminal antecedent. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged 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 learned Chief Judicial Magistrate, Patna, in connection with Kotwali P.S. Case No. 46/17, subject to the following conditions :

- (i) Both the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.
- (ii) If the petitioners indulge in an offence of similar



nature in future, the prosecution will be at liberty to
move the learned court below for cancellation of
their bail bonds.

(Nilu Agrawal, J)

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