

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51150 of 2017

Arising Out of PS.Case No. -384 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Raushan Kumar @ Chhotan Kumar, son of Upendra Sah, resident of Village Latiya, P.S. Pahar Pur, District East Champaran
 2. Md. Fahim @ Md. Rehan @ Rehan, son of Md. Salim, resident of Village Raghunath Pur Chawck, Ward No. 8, P.S. Raghunath Pur O.P., Turkauliya, district East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Mukeshwar Dayal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-11-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since 01.07.2017 in connection with Turkauliya (Banjariya) P.S. Case No. 384 of 2017 for offences punishable under Section 394, 411 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that he used to sell chicken in the market and after closing his shop while he was returning home, four persons came and after assaulting him took away Rs. 6200/- and mobile with two SIMs. He indicated the number of the motorcycle, on which basis the petitioners were identified.



It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and just because the motorcycle belonged to one of the friends of the petitioners, they have been falsely implicated in the aforesaid case. He submits that their name surfaced on their own confessional statement before the police, which has no evidentiary value in the eye of law and they are languishing in judicial custody for more than four months.

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, East Champaran at Motihari, in connection with Turkauliya (Banjariya) P.S. Case No. 384 of 2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.
- (ii) 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 their bail bonds.

- (iii) 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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