

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38504 of 2018

Arising Out of PS.Case No. -161 Year- 2018 Thana -BEGUSARAI TOWN District- BEGUSARAI

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1. SHIVA BAHARAT @ SHIV BHARAT @ SHIV VAHARAT @
SHIVA BHARAT, S/o Birju Baharat,
2. Pradeep @ Babloo S/o Bapu Lal Baberia, Present R/o Khagaria Jhigi
Jopri Khagaria Station, P.S.- Khagaria, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Sinha, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-07-2018 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

Petitioners are languishing in judicial custody since
23.03.2018 in connection with Begusarai (Nagar) P.S. Case No.
161/2018, for offences alleged under Sections 457, 380, 411 and
34 of the Indian Penal Code.

The prosecution case as lodged by the informant a
retired police officer that on 22.03.2018, he woke up early hours
in the morning and found some persons had burgled his house and
the grill was found cut. On chase, the petitioners were
apprehended and from their possession many ornaments of silver
was recovered along with cash of Rs. 2010/-. Accordingly, seizure



list was prepared.

It has been submitted by the learned counsel for petitioners that they are innocent, bear no criminal history and have been falsely implicated in the aforesaid case. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioners. He further submits that they have been sufficiently punished and are ready to cooperate in the trial.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that that the petitioners caught red-handed with the stolen articles.

Considering the facts and circumstances of the case and material on record, let the petitioners named above, 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 the learned Chief Judicial Magistrate, Begusarai, in connection with Begusarai (Nagar) P.S. Case No. 161/2018, subject to the condition that

- (1.) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating their relationship with the



petitioners.

(2.) The 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.

(Nilu Agrawal, J)

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