

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9983 of 2019

Arising Out of PS. Case No.-366 Year-2018 Thana- PATNA GRP CASE District- Patna

1. SHAMBHU KUMAR Son of Late Bhushan Rai Resident of village-Gulzarbag, Dadarmandi, Naya Tola, P.S-Alamganj, District-Patna.
2. Akhilesh Kumar Son of Late Narayan Ray resident of village-Gulzarbag, Dadarmandi, Naya Tola, P.S-Alamganj, Distt.-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindeshwar Prasad Singh
For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 11-03-2019 Heard learned counsel for the parties.

Petitioners who are in custody seeks bail in a case registered for the offence punishable under Sections 379, 411/34 of the Indian Penal Code.

Informant in his written complaint has alleged that on 12.10.2018 at about 6:00 pm when he was standing in queue in front of railway ticket counter to purchase ticket, one boy standing behind him pic-pocketed his pant containing Rs. 1700/- cash, voter ID card, driving licence and ATM Card and the said boy started to flee away and when he chased him then he passed the said purse to his one associate and started fleeing away but both of them were caught and on interrogation they disclosed



their names as petitioners. Further allegation is that on search from possession of petitioner Akhilesh Kumar the purse of the Informant was recovered.

It has been submitted on behalf of the petitioner that there is no signature or LTI of the petitioners on alleged production cum seizure list. It has been further submitted that some altercation took place between the informant and petitioners for queue and due to this petitioners have been falsely implicated in this case. Chargesheet has already been submitted in this case. Petitioners are in custody since 13.10.2018.

Considering the fact that articles mentioned in the Fir has been recovered from the possession of petitioners, I am not inclined to enlarge the petitioners on bail at this stage. Hence, the prayer for bail of the petitioners is hereby rejected.

However it is observed that petitioners be released on bail **after completing six months of jail custody** upon furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **GRP Patna Junction (Patna Sahib) P.S. Case No. 366 of 2018**, with



following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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