

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15459 of 2019

Arising Out of PS. Case No.-159 Year-2018 Thana- NAUTAN District- Siwan

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1. SARVAN KUMAR, aged 18 years, Male, Son of Paras Singh
 2. Surendra Kumar, aged 21 years, Son of Laxman Mahto, both are Residents of Village - Mahuwari Bichala Tola, P.S.- Siwan (Muffasil), District - Siwan
- ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Ramchandra Sahni, Adv.
For the Opposite Party : Mr. Ajay Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-03-2019 Heard the learned counsel for the petitioners and the learned counsel appearing for the State.

The petitioners are languishing in judicial custody since 02.11.2018 in connection with Nautan P.S. Case No. 159 of 2018 for the offence alleged under Section 392 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he was returning home after closing his medicine shop, three miscreants, on pistol point, snatched his motorcycle and two mobiles and fled away.

It has been submitted by the learned counsel for the petitioners that they are innocent, not named in the first information report and the names of the petitioners were revealed by petitioner no. 2 in another case, being Nautan P.S.



Case No. 172 of 2018 and the mobiles of the informant have been recovered from the possession of the petitioner no. 2. He submits that the charge sheet has already been submitted and the petitioners undertake to cooperate in the trial on day-to-day basis.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioners are habitual offenders and one case against petitioner no. 1 and two cases against petitioner no. 2, are pending for similar offence and petitioner no. 2 was apprehended with the stolen mobiles of the informant. He, further, submits that the petitioners are members of the gang indulged in looting of vehicles and other articles of passers-by.

Considering the facts and circumstances and the materials on record as well as the period of custody and that charge sheet has been submitted, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Nautan P.S. Case No. 159 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Siwan, subject to the following conditions :

- (i) One of the bailors of each of the petitioners would



be a close relative having sufficient immovable property, who will file an affidavit stating his/their relationship(s) with the petitioner(s).

(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 his/their bail bond(s).

(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 his/their bail bond(s).

(Nilu Agrawal, J)

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