

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78567 of 2018

Arising Out of PS. Case No.-395 Year-2018 Thana- KUDHNI District- Muzaffarpur

Manish Kumar Ram Uday Sah Resident of Village- Jagdishpur, P.S.-
Maniyari District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 80083 of 2018

Arising Out of PS. Case No.-395 Year-2018 Thana- KUDHNI District- Muzaffarpur

Rahul Kumar, son of Ramu Patel, resident of Mohalla Kanhauli Bisun Dutt
R.K. Ashram Mithanpura, P.S. Mithanpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 78567 of 2018)

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Smt. Renuka Ratnakar

(In CRIMINAL MISCELLANEOUS No. 80083 of 2018)

For the Petitioner/s : Mr.Bhavesh Kumar

For the Opposite Party/s : Mr.Smt. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 26-02-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

Petitioners who are in custody seek bail in connection
with Kudhani P.S. Case No. 395 of 2018 registered for offences
punishable under sections 379, 411 and 401 of the Indian Penal
Code.



Allegation, as per the FIR, is of theft of Bolero vehicle of the informant, which on the basis of GPS has been located at Bhagwanpur More and intercepted and the petitioners alongwith other co-accused were arrested.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case. Petitioner Manish Kumar has no criminal antecedent and petitioner Rahul Kumar has criminal antecedent and They are in custody since 10.08.2018.

Considering the nature of allegation against petitioners, I am not inclined to grant bail to the petitioners at this stage. Accordingly the prayer for bail is rejected.

However, petitioners may renew their prayer for bail after framing of charge. If charges have already been framed in this case, petitioners shall be released on bail in the court below itself on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-cum-sub-Judge-3rd West, Muzaffarpur, in connection with Kudhani P.S. Case No. 395 of 2018 subject to the conditions that:-

(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 present on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.

(3) If the petitioners tampers 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.

With the above observation, this application is disposed of.

(S. Kumar, J)

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