

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67298 of 2019

Arising Out of PS. Case No.-498 Year-2019 Thana- SITAMARHI District- Sitamarhi

1. ARJUN PRASAD Son of Bal Govind Prasad Resident of Village-Makarpur, Makhdumpur, P.S.-Makhdumpur, District-Jehanabad.
2. Kamal Nand Kishore Son of Bhola Prasad Yadav Resident of Village-Baja, P.S.-Amarpur, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal

For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 29-11-2019 Heard learned counsel for the petitioners and
learned counsel for the State.

Petitioners, who are in custody, seeks bail in connection with Sitamarhi P.S. Case No. 498 of 2019 registered for the offence punishable under Sections 341, 323, 384, 504, 506 and 34 of the Indian Penal Code.

Informant in his written complaint has alleged that on 31.08.2019 his younger brothers namely, Navnath Dharge and Akshey Dhrge were going to his shop with 12 Kgs silver. In the way, three police personnel stopped them and thereafter they called another police and all the police personnel asked the informant to give 4 Kgs silver otherwise they would be arrested



and the silver would be seized and they also threatened them that in future they would have to monthly pay for their unlawful trading basis.

It has been submitted on behalf of petitioners that they are innocent and have been falsely implicated in this case. It has been further submitted that there is inordinate delay of five days in lodging FIR without plausible explanation and nothing has been recovered from their possession. Similarly placed co-accused, namely, Gopal Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 21.11.2019 passed in Cr. Misc. No. 73563 of 2019. Petitioners have no criminal antecedent and are in custody since 05.09.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Sitamarhi P.S. Case No. 498 of 2019 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 properly represented 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 bond.

(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.

(S. Kumar, J)

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