

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69306 of 2019

Arising Out of PS. Case No.-258 Year-2019 Thana- SIRDALA District- Nawada

1. NARESH KUMAR S/o Janki Rajvanshi
2. Sintu Rajvanshi S/o Surendra Rajvanshi
Both R/o village- Pipra Prem Nagar, P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate
For the Opposite Party/s : Mr. S.D. Yadav, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 18-12-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 258 of 2019, dated 16.06.2019, registered at Police Station Sirdala under Sections 307, 323, 325, 341 and 379/34 of the Indian Penal Code.

I have heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

It is the case of the prosecution that the accused persons assaulted Pramod Kumar with an intent to kill him and also after snatching his mobile and motorcycle robbed him of Rs. 2,000/- and thereafter fled away from the spot.



Learned counsel for the informant seriously opposes the bail application.

Investigation conducted thus far, prima facie does not reveal complicity of the accused in the crime. None have disclosed the presence of the petitioners nor any recovery has been effected from him, linking to the crime in question. Petitioners are in jail since 23.08.2019.

The allegations have been seriously disputed by the petitioners. Prima facie also, it appears that thus far no case against the petitioners is made out indicating their complicity in the alleged crime.

It is submitted by learned counsel for the petitioners that the petitioners have roots in the society; are not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; are behind bars since 23.08.2019; no custodial interrogation is required and the petitioners have fully cooperated in the investigation.

Learned Additional Public Prosecutor does not seriously oppose the application.

Prima facie, nothing is produced to highlight petitioners' direct involvement in the crime.

Thus, this Court is of the considered view that



petitioners have made out a case for grant of bail. Possibility of false implication, as is so alleged by the petitioners, cannot be ruled out. Also, thus far save and except for naming the petitioners in the F.I.R., no evidence corroborative in nature stands recorded by the police. Also, none has come forward to highlight the possible involvement of the petitioners in the crime. On what basis the Investigating Officer could link the accused to the crime is also not emanating from the record.

Be that as it may, considering the entire attending facts and circumstances of the case, let the petitioners, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-VI, Nawada, in connection with Sirdala P.S. Case No. 258 of 2019, on the following conditions:-

(i) That one of the bailors of the petitioners shall be their close relative.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient



reason, their bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

P.K.P./-

U		T	
---	--	---	--

