

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74703 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- NTPC District- Bhagalpur

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1. GOLU KUMAR Son of Dinesh Yadav Resident of Village-Morma, P.S.-
Lakhisarai, District-Lakhisarai
2. Nilesh Kumar @ Nitish Kumar Son of Upender Yadav @ Upendar Yadav
Resident of Village-Choutha, P.S.-Ramgarh Chowk, District-Lakhisarai.
- Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s
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Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal, Adv.
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, 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. 44
of 2019, dated 27.8.2019 registered at Police Station N.T.P.C.,
under Sections 419, 420, 467, 468 and 34 of 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.

Petitioners are alleged to have impersonated themselves
and appeared in examination on behalf some other persons, which
fact is 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 27.8.2019; no further recovery is to be made from the petitioners nor any custodial interrogation is required and the petitioners have fully cooperated in the investigation.

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, having regard to the entirety of the 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 Chief Judicial Magistrate, Bhagalpur in connection with N.T.P.C. P.S. Case No. 44 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)

K.C.Jha/-

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