

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82977 of 2019**

Arising Out of PS. Case No.-336 Year-2019 Thana- KUDRA District- Kaimur (Bhabua)

1. Vishal Kumar S/o Late Ashok Prasad Resident of Mohalla - New Diliya (Sasaram), P.S.- Sasaram (T), District - Rohtas (Sasaram).
2. Rakesh Kumar S/O Sri Ramayan Singh Resident of Mohalla - Nuran Ganj (Sasaram), P.S.- Sasaram (T), District - Rohtas (Sasaram).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Yogendra Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**

ORAL ORDER

2      13-12-2019      Heard learned counsel for the parties.

Petitioners seek bail in a case registered for the offence punishable under Sections 420, 409 and 120(B) of the Indian Penal Code.

Allegation against the petitioners is that petitioners were extracting money from the overloaded trucks to facilitate in crossing the border.

It is submitted on behalf of the petitioners submits that a bare reading of the FIR reveals that there are no allegations against any truck driver or the vehicle owner being cheated or that any offence of criminal breach of trust has been committed. It is further submitted that when they were sitting at



the hotel taking tea, the police party raided the hotel and has arrested them without any fault as they were the truck owner. Learned counsel for the petitioners further submits that the seizure-list does not reveal the recovery of any incriminating item from the possession of the petitioners. Similarly situated co-accused, Harimohan Yadav, has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 80288 of 2019 vide order dated 06.12.2019. The petitioners are in custody since 31.10.2019. Petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Kudra P.S. Case No. 336 of 2019, with following conditions:-

(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 tamper 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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