

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6382 of 2020

Arising Out of PS. Case No.-543 Year-2019 Thana- SARAIYA District- Muzaffarpur

1. SUNNY KUMAR Son of Kamleshwar Sahani @ Kameshwar Sahani Resident of Village - Amaitha, P.S.- Saraiya (O.P. Jaitpur), District- Muzaffarpur
2. Nitesh Kumar Son of Naresh Sahani Resident of Village - Amaitha, P.S.- Saraiya (O.P. Jaitpur), District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vipin Kumar
For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 18-06-2020 The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners apprehend their arrest in a case registered under Sections 395, 397, 307 of the Indian Penal Code.

Informant in his fardbeyan has alleged that on 21.08.2019 while he was returning after collecting money of Surgical items, seven miscreants on three motorcycles intercepted him and on the point of pistol snatched his bag and surgical items and started fleeing away, but one of them was



apprehended with the help of villagers and he disclosed his name as Manjay Kumar and other persons fled away including petitioners.

It has been submitted on behalf of petitioners that he is innocent and has been falsely implicated in this case on the basis of confessional statement of co-accused Manjay Kumar who was apprehended on the spot. Similarly placed co-accused, namely, Sonu Kumar and Balindra Sahani have been granted anticipatory bail by a co-ordinate Bench of this Court as contained in Annexure-2 series. Petitioners have no criminal antecedents.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioners named above in the event of arrest or surrender before the court below within four weeks from today, Petitioners are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with Saraiya P.S. Case No. 543 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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 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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