

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16521 of 2021

Arising Out of PS. Case No.-182 Year-2020 Thana- BAKHTIYARPUR District- Patna

1. Shiv Kumar, S/O Suresh Singh, R/O Village-Pahsara P.S.-Navkothi, District-Begusarai
2. Nitish Kumar @ Nitish Mahto, S/O Harilal Mahto, R/O Village-Pahsara P.S.-Navkothi, District-Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-10-2021 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with BKP (Bakhtiyarpur) P.S. Case No.182 of 2020 instituted for the offence punishable under Sections 399, 402, 411, 412, 414, 420, 467, 468, 471 of the Indian Penal Code and Sections 25(1B)a, 26, 35 of the Arms Act.

Four persons have allegedly assembled for committing offence. Police on information have arrived at the place, leading to the petitioners' arrest along with two others.

The counsel for the petitioners submits that from the prosecution case itself, it is obvious that there is no recovery of



any incriminating article from the petitioners. It is on the statement of co-accused Sanni Bharti that the police have been led to further search and recovery of alleged stolen vehicles. There is no recovery of any stolen vehicle or incriminating material from the petitioners, or based on their statements. It is also stated that they have been made accused because of one criminal case pending against them, in which they are on bail. In the instant case, the petitioners are alleged to have been arrested on 03.03.2020, but remanded on 05.03.2020. Counsel submits that this fact also goes in favour of the petitioners.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the court of learned Additional Chief Judicial Magistrate-III, Barh, Patna, in connection with BKP (Bakhtiyarpur) P.S. Case



No.182 of 2020, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

PNM

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

