

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23401 of 2021**

Arising Out of PS. Case No.-130 Year-2020 Thana- DUMARIAGHAT District- East
Champaran

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1. VISHAL KUMAR SON OF LATE SUDAMA PRASAD R/O VILLAGE-
HEADRI BAZAR, GANDHI NAGAR, P.S.- TOWN MOTIHARI,
DISTRICT- EAST CHAMPARAN, MOTIHARI.
 2. LAL BABU KHALIFA SON OF LATE RAJENDRA KHALIFA R/O
VILLAGE- KORIGAMA, P.S.- KOTWA, DISTRICT- EAST
CHAMPARAN, MOTIHARI.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 31-08-2021 Learned counsel for the petitioners undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Ajay

Kumar Jha, learned APP for the State.

Petitioners in the present case are seeking regular bail

in connection with Dumariyaghat P.S. Case No. 130 of 2020 for

the offences under Sections 328, 392 of the Indian Penal Code.

They are in custody since 12.10.2020.

As per the prosecution story the truck which was

loaded with potatoes were stopped by some miscreants near the

place of occurrence and they spread something on the face of the khalasi and removed the driver from the driving seat and took away the vehicle.

Learned counsel for the petitioners submits that out of 507 bags of potatoes which were laden on the truck, allegedly 32 bags of potatoes were recovered from the shop of one Ranjan Kumar on the basis of the confessional statement allegedly made by this petitioners and other co-accused in Dumariyaghat P.S. Case No. 135 of 2020.

Learned counsel submits that there is no recovery of any incriminating article from the possession of this petitioners and the petitioners have not been identified. The co-accused Ranjan Kumar from whom possession 32 bags of potatoes were recovered has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 36903 of 2020. Some other co-accused have been granted bail in Cr. Misc No. 5482 of 2021 and in Cr. Misc No. 15874 of 2021. In Dumariyaghat P.S. Case No. 135 of 2020, the petitioners is said to be on bail.

Learned APP for the State has though opposed the prayer for bail of the petitioners, considering the facts and circumstances of the case, no recovery is said to have been made from the possession of this petitioners, co-accused have

been granted bail and the petitioners have remained in custody for almost eleven months, this Court directs release of the petitioners on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Motihari in connection with Dumariyaghat P.S. Case No. 130 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.