

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24422 of 2021

Arising Out of PS. Case No.-280 Year-2020 Thana- BAGHA District- West Champaran

1. Rahul Kumar Son Of Kranti Ram Resident Of Village - Badgaun, P.S. Bagaha, District West Champaran.
2. Maharaja Ram Son Of Manoj Ram Resident Of Village - Badgaun, P.S. Bagaha, District West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta

For the Opposite Party/s : Mr. Md. Fahim Uddin

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-08-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Nautan P.S. Case No. 280 of 2020 registered for the offence punishable under Sections 379, 411, 413, 414 of the Indian Penal Code.

Allegation against the petitioners is of theft of informant's goat. It is alleged that both the petitioners were came riding on a motorcycle and took away informant's goat and while fleeing away got apprehended.



It is submitted by learned counsel for the petitioners that petitioners have falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. No incriminating article has been recovered from their conscious physical possession. He submits that the said motorcycle does not belongs to the petitioners and they were falsely implicated in this case due to police mechanism. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioner No. 1 possess two criminal antecedents and in both the cases he is on bail and petitioner No. 2 possess no criminal antecedent as has been mentioned in para 3 of this bail petition. They are languishing in custody since 09.08.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid and period of custody of the petitioners, the above named petitioners are directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Nautan P.S. Case No. 280 of 2020 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioners who will give on affidavit genealogy as to how he is relative to petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.



(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioners shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioners shall co-operate with the investigation, if not already concluded and make themselves available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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