

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6618 of 2022

Arising Out of PS. Case No.-484 Year-2020 Thana- RAHUI District- Nalanda

1. ANISH Son of Nasir Resident of Village - Kithaur, P.s.- Kithaur, Distt.- Meruth (Uttar Pradesh).
2. Nasir Son of Reyazule Resident of Village - Zissaur, P.S.- Murdali, Distt.- Meruth (Uttar Pradesh).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-06-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

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

The petitioners seek bail in connection with Sessions Trial No. 701 of 2021 arising out of Rahui (Bhagan Bigha) P.S. Case No. 484 of 2020 registered for the offences punishable under Section 392 and later on charge sheet has been submitted under section 395 of the Indian Penal Code against the petitioners and another.

As per prosecution case, on 30.12.2020 at about 5.00 PM from the depo of Hindustan Lever Ltd. located at

Hazipur, driver Deepak Das had departed with loaded goods for delivery at Silvi. On 31.12.2020 at about 07.30 AM, the informant received information by the transporter that some of the miscreants have looted some articles of Hindustan Lever Ltd., and it is alleged that driver Deepak Kumar Das has pointed out that some of the miscreants reached at Mahesh Petrol Pump and they slept in the cabin of the truck and took away the key of truck and they tied the hand of the driver Deepak Kumar Das and tried to threaten through the knife and it is further alleged that they took away the commodity from truck under constructed godown and ten thousand rupees as well as bucket from the truck.

Learned counsel for the petitioners has submitted that petitioners are innocent and have falsely been implicated in this case due to dirty village politics. Petitioners are not named in the FIR. The petitioners have been remanded in the present case from Madanpur (Aurangabad) Police Station Case No. 32 of 2021 in which they made confessional statement. Petitioners are in custody since 09.06.2021 and bear criminal antecedent of two cases of similar nature. Nothing incriminating articles were recovered from the possession or house of the petitioners. The petitioners were not put on TIP. There is no material or evidence

against the petitioners to connect them in the present case. FIR was lodged against unknown. Co-accused Sagar Kumar has been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 65687 of 2021.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioners above named be released 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 learned 8th Additional District & Sessions Judge, Bihar Sharif, Nalanda in connection with Rahui(Bhagan Bigha) P.S. Case No. 484 of 2020, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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