

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8742 of 2022

Arising Out of PS. Case No.-439 Year-2020 Thana- RAJAON District- Banka

1. Monu Kumar @ Monu Bind @ Bind Son of Abadhesh Bind Resident of Village- Changeri (Mirzapur), P.S.- Barahat, District- Banka.
2. Govind Kumar @ Govind Bind Son of Suklal Bind @ Subal Bind Resident of Village- Changeri (Mirzapur), P.S.- Barahat, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-06-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within two weeks
of the complete start of the physical Court in normal course.

The petitioners seek bail in connection with Rajoun
P.S. Case No. 439 of 2020 registered for the offence under
Section 379 of the Indian Penal Code.

The accused/petitioners are not named in the F.I.R.
and are in custody since 28.12.2021.

As per the prosecution story, motorcycle of the
informant was stolen by unknown persons.

Learned counsel appearing on behalf of the petitioners
submitted that name of the petitioners surfaced on the basis of



confessional statement of co-accused, Monu Kumar, leading to no recovery. It is further submitted that chargesheet in this case has already been submitted, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that name of the petitioners surfaced on the basis of confessional statement of co-accused, Monu Kumar.

Considering the facts and circumstances as mentioned above and as name of the petitioners surfaced on the basis of confessional statement of co-accused, Monu Kumar, leading to no recovery coupled with the fact that chargesheet in this case has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Rajoun P.S. Case No. 439 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, subject to the following conditions:

“(i) That accused/petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing the State shall be at liberty to move before the Trial



Court itself for the cancellation of bail bond of the petitioners.

(ii) Accused/Petitioners shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(iii) That one of the bailors shall be the close relative of the accused/ petitioners like mother/father/sister/brother.

(iv) That if the petitioners tamper with the evidence or the witnesses of the case, in that case, State will be at liberty to move for cancellation of bail bond of the petitioners.”

(Chandra Shekhar Jha, J)

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