

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9140 of 2022

Arising Out of PS. Case No.-561 Year-2021 Thana- SURSAND District- Sitamarhi

VIVEK KUMAR S/O NAGENDRA MANDAL R/O VILLAGE-
SONBARSA, P.S.- SONBARSA, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8751 of 2022

Arising Out of PS. Case No.-561 Year-2021 Thana- SURSAND District- Sitamarhi

PRAMOD KUMAR @ PRAMOD KUMAR SAH @ DOCTOR SAHEB S/O
BHIKHARI SAH RESIDENT OF VILLAGE- SHIVNAGAR, P.S.- BELA,
DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10028 of 2022

Arising Out of PS. Case No.-561 Year-2021 Thana- SURSAND District- Sitamarhi

MANOJ KUMAR SAH S/o Ramlal Sah R/o village- Kishannagar, Ward No.
06, P.S.- Wardiwas, District- Mahotari (Nepal)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10127 of 2022

Arising Out of PS. Case No.-561 Year-2021 Thana- SURSAND District- Sitamarhi

JANAK LAL MAHTO Son of Yogi Mahto Resident of Village - Mithila
Nagarpalika, Ward no.3, P.,S.- Dhalkewar, Distt.- Dhanusha (Nepal).

... .. Petitioner/s

Versus

The State of Bihar Bihar



... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 9140 of 2022)

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.APP.

(In CRIMINAL MISCELLANEOUS No. 8751 of 2022)

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 10028 of 2022)

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Arun Kumar

(In CRIMINAL MISCELLANEOUS No. 10127 of 2022)

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-07-2022 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 Sursand P.S. Case No. 561 of 2021 registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code, Sections 25(1-B)a, 26, 35 of the Arms Act and Sections 8/20(b)(ii) (c)/22 of NDPS Act.

As per seizure list, one danda has been recovered from possession of petitioner Vivek Kumar. From possession of petitioner Pramod Kumar @ Pramod Kumar Sah @ Doctor Saheb, one mobile along with sim, ten Indian currency note of denomination of Rs. 500 each, ten Nepali currency note of



denomination of Rs. 500 each, one country made loaded pistol and two cartridges have been recovered. From possession of petitioner Manoj Kumar Sah, an iron made Saval, mobile along with Nepali sim have been recovered. From possession of petitioner Janak Lal Mahto one Redmi mobile, one keypad mobile, Airtel sim as well as Nepali currency note of 4 pieces of denomination of Rs. 500 each and 1 currency note of denomination of Rs. 100, one Bajaj motorcycle have been recovered.

Learned counsel for the petitioners submits that petitioners are in custody since 10.12.2021. Petitioner Vivek Kumar bears no criminal antecedent, petitioner Pramod Kumar @ Pramod Kumar Sah @ Doctor Saheb bears no criminal antecedent, petitioner Manoj Kumar Sah bears criminal antecedent of one case and petitioner Janak Lal Mahto bears criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that petitioners are innocent and they have falsely been implicated in this case due to dirty village politics at the hands of his enemy in collusion with the police. He further submits that petitioners have no concern either with the recovered article or any other persons. The police



personnel obtained the signature of the petitioners and other accused persons on a plain paper and prepared seizure list. Seizure list has not been prepared as per law.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case, taking into consideration the material available on record and the arguments advanced on behalf of the parties, let the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Sitamarhi/concerned court in connection with Sursand P.S. Case No. 561 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has 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.

(iv) Further the petitioners shall submit an affidavit disclosing that whatsoever stated in their respective bail petitions regarding criminal antecedent of the petitioners is true as stated in para 3 of the bail petition and if it is found untrue by the learned court below, the bail bond of concerned petitioner shall not be accepted by the court below.

(Alok Kumar Pandey, J)

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