

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16622 of 2021

Arising Out of PS. Case No.-279 Year-2020 Thana- PUPRI District- Sitamarhi

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JAHID HUSSAIN @ MD. JAHID HUSSAIN Son of Sakir Mastan R/o
Village- Pupri, P.S.- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 25796 of 2021

Arising Out of PS. Case No.-279 Year-2020 Thana- PUPRI District- Sitamarhi

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Md. Tofique @ Sonu Son Of Munna Shahid Hussain @ Munna Painter @
Shahid Hussain R/O Village- Pupari, Ward No.9, P.S.- Pupari, District-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 16622 of 2021)

For the Petitioner/s : Mr.Ashok Kumar Jha,Adv

For the Opposite Party/s : Mr.Anil Kumar, APP.

(In CRIMINAL MISCELLANEOUS No. 25796 of 2021)

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv

For the Opposite Party/s : Mr.Dr. Mrityunjaya Kumar Gautam, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-02-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioners and the

learned A.P.P. for the State in virtual Court proceeding in both

the applications.



The petitioners seek bail in connection with Pupri P.S.Case No. 279 of 2020 registered for the offence under Sections 457,380 of the Indian Penal Code.

The prosecution case, in short, is that on 18.09.2020 at 6.00 A.M, the informant, who is Chowkidar was informed by the villagers that some theft has been committed in the house of Bauwan Pathak breaking the lock of his house. When he reached at the place of occurrence in village-Hardia, he found the lock broken of the house and all the articles of almirah, boxes, trunks etc. were scattered and their locks were forcefully opened.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that it appears from the seizure list that some of the article has been recovered from the house of the petitioners but the same is the household article which is available in all the houses. Petitioner-Jahid Hussain @ Md. Jahid Hussain is in custody since 18.09.2020 and petitioner-Md.Tofique @ Sonu is in custody since 19.09.2020.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners on the basis of material



available on the record and the case diary and submits that some of the article has been recovered from the house of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi(Cr. Misc. No.16622 of 2021)/learned Sub-Divisional Judicial Magistrate, Pupari, Sitamarhi (Cr. Misc. No.25796 of 2021) in connection with Pupri P.S.Case No. 279 of 2020 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) 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.

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 antecedents, 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.

(Rajesh Kumar Verma, J)

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