

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16990 of 2022

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

1. Tarique Son of Safi Resident of Aseelpur, P.S.- Kithaur, District - Meerut (U.P.)
2. Warish Ahmad son of Ilyas Resident of Village - Laliyana, P.S. - Kithaur, District - Meerut (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indu Bhushan, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 10-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioners are in custody in connection with
Sessions Trial No. 701 of 2021 arising out of Rahui (Bhagan
Bigha) P.S. Case No. 484 of 2020 under section 395 of the
Indian Penal Code.

As per the prosecution story, on 30.12.2020 at
about 5.00 PM from the depot of Hindustan Liver Ltd. located
Hajipur, driver Deepak Das had departed with loaded goods for
delivery at Silvi. On 31.12.2020 at about 7.30 AM, the



informant received information by the transporter that some of the miscreants have looted articles of Hindustan Lever Ltd. The driver Deepak Kumar Das alleged that after tying his hands, the accuseds tried to threaten through the knife and it is further alleged that they took away the commodity from truck as also ten thousand rupees as well as bucket from the truck.

Learned counsel for the petitioners submit that both of them are labourers and had no role to play in the matter and have been remanded in judicial custody from Madanpur Police Station Case No. 32 of 2021. It has further been submitted that names of the petitioners have come in the confessional statement of Md. Elias. He lastly submits that some of the co-accused namely Anish and Nasir have been released on bail by a coordinate bench of this Court vide Cr. Misc. No. 6618 of 2022 as also Sagar Kumar in Cr. Misc. No. 65687 of 2021 on 11.5.2022.

Let both the orders be kept on record.

Considering the aforesaid facts that name of the petitioners have come in the confessional statement of Md. Elias, charge-sheet stands submitted and they are in custody since 9.6.2021 (as stated in para-15 of the bail application) as also the fact that some of the co-accuseds have since been



enlarged on bail, this Court is inclined to grant them the privilege of bail but with certain conditions in view of the fact that they have criminal antecedents.

Let the petitioners be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen thousand) each with two sureties of like amount each to the satisfaction of Additional District and Sessions Judge-VIII, Nalanda (Biharsharif), in connection with Sessions Trial No. 701 of 2021 arising out of Rahui (Bhagan Bigha) P.S. Case No. 484 of 2020 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioners, who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police station every fortnight for one year to mark their presence;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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