

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16940 of 2022**

Arising Out of PS. Case No.-160 Year-2021 Thana- SIMRI District- Buxar

1. Arvind Kunwar S/o Late Govind Kunwar R/o village- Dumri, P.S.- Simri, District- Buxar
2. Akash Kumar @ Akash Kunwar S/o Yamraj Kunwar R/o village- Dumri, P.S.- Simri, District- Buxar
3. Vikash Kumar @ Vikash Kunwar S/o Yamraj Kunwar R/o village- Dumri, P.S.- Simri, District- Buxar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Ajit Kumar, Advocate  
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      18-07-2022                      Heard learned counsel for the petitioners and the State.

The FIR has been lodged under sections 457, 380/34 of the Indian Penal Code in connection with Simri P.S. Case No. 160 of 2021 in which they are in custody since 13.01.2022 (as stated in para-13 of the bail application).

The informant has alleged in the FIR that he is an employee of Electricity Department and his village home regularly theft is committed. Although he was knowing the names of the accused persons, he did not named them earlier which embolden them and led to the present occurrence in



which Panasonic T.V. L.E.D., inverter, two batteries, stabilizer, two golden chain and two rings, thirty sarees and cash of amount were stolen. This time he chose to name the accused persons in view of the fact that he was being regularly harassed and his house was ransacked by the accused persons.

Learned counsel for the petitioners submits that although they have been named in the FIR, no one is witness to the alleged occurrence, the stolen articles were actually recovered from the brick kiln of Ajay Ray and they are in jail since 13.1.2022.

Although the aforesaid submission of the recovery of stolen articles has not been stated in the bail application, the learned counsel for the petitioners has categorically submitted that his statement should be recorded about the said recovery from the brick kiln of Ajay Ray.

Taking into account the fact that there is no eye-witness to the alleged occurrence, the recovery of the stolen articles is/are from the brick kiln of Ajay Ray, the petitioner are in custody since 13.1.2022, charge-sheet stands submitted and one one of the co-accused namely Pankaj Kunwar has since been granted bail by a coordinate bench of this Court on 3.12.2021 in Cr. Misc. No. 53730 of 2021, this Court is inclined



to grant them the privilege of bail.

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 learned A.C.J.M.-IV, Buxar, in connection with Simri P.S. Case No. 160 of 2021 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 their cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police station every fortnight for next six months to mark their presence;

(iv) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) 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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