

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19405 of 2022**

Arising Out of PS. Case No.-57 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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NAND LAL KUMAR S/o Late Lal Babu Yadav R/o Village Hart Saraiya,
P.S. - Bairiya, Bettiah, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29352 of 2022

Arising Out of PS. Case No.-57 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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RAJAN KUMAR SON OF UMESH PRASAD PATEL R/O VILLAGE- HAT
SARAIYA WARD NO.-01, P.S.- BAIRIYA, DISTRICT- WEST
CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 19405 of 2022)

For the Petitioner/s : Mr.Sourav Suman

For the Opposite Party/s : Mr.Md. Ataur Rahman

(In CRIMINAL MISCELLANEOUS No. 29352 of 2022)

For the Petitioner/s : Mr.Bashishtha Narayan Mishra

For the Opposite Party/s : Mr.Ram Naresh Ray

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 16-08-2022 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 Bettiah



Nagar P.S. Case No. 57/2022 registered for the offences punishable under Sections 379, 411, 413, 414, 34 of the Indian Penal Code.

As per prosecution case, there is alleged recovery of theft motorcycle in question from the possession of the petitioners.

Learned counsel for the petitioner submits that petitioner, Nand Lal Kumar is innocent and has falsely been implicated in this case due to previous antecedents. No incriminating articles has been recovered from the possession of the petitioner. The petitioner is languishing in custody since 24.01.2022 and bears criminal antecedent of 06 cases. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Similarly situated co-accused, Balister Mukhiya has already been granted bail by this Court vide Cr. Misc. No.26488/2022.

Learned counsel for the petitioner submits that petitioner, Ranjan Kumar is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 25.01.2022 and bears criminal antecedent of one case. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He



further submits that the petitioner has no concern with the seized motorcycle. The petitioner is neither confessed his guilt before the police about the motorcycle saying as stolen recovered from the petitioner nor did he disclose the name of other accused persons for recovery of the motorcycle, which has been shown in the FIR and seizure list. Similarly situated co-accused, Balister Mukhiya has already been granted bail by this Court vide Cr. Misc. No.26488/2022.

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 already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner, Nand Lal Kumar above named be released on bail **after framing of charge** and the petitioner, Ranjan Kumar above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court of C.J.M., Bettiah, Distt.-West Champaran in connection with Bettiah Town P.S. Case No. 57/2022, 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 without appropriate permission, 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 bails.

(iv) If the petitioners are found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel their bail bonds.

(Alok Kumar Pandey, J)

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