

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36384 of 2021

Arising Out of PS. Case No.-32 Year-2021 Thana- MADANPUR District- Aurangabad

1. Varis @ Waris Ahmad, Son of Iliyas, Resident of Village - Laliyana, P.S. - Kithore, District - Meerut (Uttar Pradesh)
2. Tarik @ Tariq, Son of Saffi, Resident of Village - Asilpur, P.S. - Kithore, District - Meerut (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 18947 of 2022

Arising Out of PS. Case No.-32 Year-2021 Thana- MADANPUR District- Aurangabad

Sagar Kumar, Son of Subodh Kumar, R/O Village- Utar Bazar, Warsaliganj, P.S.- Warsaliganj And District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36384 of 2021)

For the Petitioner/s : Ms. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

(In CRIMINAL MISCELLANEOUS No. 18947 of 2022)

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

4 16-05-2022 These applications are preferred by applicants, Varis @ Waris Ahmad, Tarik @ Tariq and Sagar Kumar, who are accused in Crime No. 32 of 2021 registered with Madanpur Police Station for the offences punishable under Sections 392 and 412 of the Indian Penal Code. They are claiming bail after filing of the charge sheet.



Heard both sides.

The learned Additional Public Prosecutor opposed the application by submitting that the accused persons have confessed the crime.

I have considered the submission so advanced. I have also perused the material placed before me including the counter affidavit filed by the Investigating Officer.

FIR of the subject crime is lodged on the basis of report of Parshuram Rana, driver of the truck transporting 250 quintal sugar. He reported that in the night of 01.02.2021 when he as well as his conductor were sleeping after parking the truck, the miscreants came and took them in custody and dumped them in another four-wheeler vehicle. Those robbers then took away the truck driven by him. After some time, he as well as his conductor were thrown out of the another four-wheeler vehicle within territorial jurisdiction of Amas Police Station.

Evidence against the applicants comprises of confessional statements. Nothing was recovered from the applicants. They were not subjected to Test Identification Parade. In this view of the matter, after conclusion of the investigation further pretrial detention of the applicants is not



warranted. Therefore, the order :-

i. The application is allowed.

ii. The applicants/accused in Crime No. 32 of 2021 registered with Madanpur Police Station for the offences punishable under Sections 392 and 412 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) each on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicants/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against them so as to dissuade them from disclosing such facts to the Court or to any police officer.

(II) The applicants/accused should cooperate the trial court in expeditious disposal of the trial against them.

(III) The applicants/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicants should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants



in the instant case.

The applicants to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellants/accused.

Bhardwaj/-

(A. M. Badar, J)

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