

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28274 of 2021

Arising Out of PS. Case No.-823 Year-2019 Thana- KANKARBAG District- Patna

1. RAJ @ RAJ KUMAR Son of Sikandar Ram Resident of Ambedkar Colony, Police Station- Sultanganj, District- Patna.
2. MUKUL KUMAR Son of Ramesh Ram Resident of Ambedkar Colony, Police Station- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 27-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioners and learned APP for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioner No. 1 who is in custody since 14.02.2019 and petitioner No. 2 who is in custody since 09.06.2020 seek regular bail in connection with Kankarbagh P.S. Case No. 823 of 2019 registered for offences punishable under Sections 356 and 379 of the Indian Penal Code.

Prosecution case, in brief, is that while the informant Sanju Singh of Mohalla MIG 190 Lohiya Nagar was coming to



his house from vegetable market on 22.08.2019, two unknown persons near A.S.G.I. Hospital Kankarbagh, forcefully snatched gold chain from his neck and both the accused persons managed to escape.

Learned counsel appearing on behalf of the petitioners submits that till date no T.I.P. has been conducted. It is submitted that neither any material nor any evidence against the petitioners has surfaced in the case diary. Nothing has been recovered from the conscious possession of the petitioners. It is further submitted that petitioner no. 1 is in custody since 14.02.2019 and petitioner No. 2 is in custody since 09.06.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners. He submits that petitioners are habitual offender and several cases are pending against them. As such the petitioners are not entitled to be enlarged on bail.

Considering the facts and circumstances of the case, the Court below is directed to obtain antecedent report from the concerned Superintendent of Police and if it is found that no other criminal case is pending against the petitioners as what has been stated in paragraph No. 3 of the present bail application, the petitioners, above named, are directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna in connection with Kankarbagh P.S. Case No. 823 of 2019 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Purnendu Singh, J)

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