

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20713 of 2022

Arising Out of PS. Case No.-525 Year-2020 Thana- RANIGANJ District- Araria

1. SONU KUMAR @ SONU KUMAR YADAV @ SONU NIGAM S/o Naveen Prasad Yadav @ Naveen Yadav Resident of Village- Bairakh ward No.01, P.S.- Raniganj, District- Araria.
2. MANTOO KUMAR YADAV @ MANTOO KUMAR S/o Pramanand Yadav Resident of Village- Bairakh Ward No.01, P.S.- Raniganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Mr. Ram Prawesh Kumar
For the Opposite Party/s	:	Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2022 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 Raniganj P.S. Case No. 525 of 2020 registered for the offences punishable under Sections 379/34 of the Indian Penal Code.

As per prosecution case, motorcycle of the informant was stolen by two miscreants who came on a pulsar motorcycle and when the informant enquired about the persons who stole his motorcycle, he came to know from the villagers that the pillion rider was one Dilip Lahri @ Dilip Samrat and



when the informant went to his house he was found absconding from his house. The FIR has been registered against Dilip Lahri @ Dilip Samrat and one unknown.

Learned counsel for the petitioners submits that petitioner no. 1 is in custody since 20.11.2021 and petitioner no. 2 is in custody since 30.11.2021. Petitioners are not named in the FIR. Their name surfaced on the confessional statement of co-accused Ishwar Chand Yadav. He further submits that co-accused Ishwar Chand Yadav against whom recovery has been made, has already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 40393 of 2021 and the case of present petitioners stands on better footing. Petitioners bear criminal antecedent of five cases in which two cases are of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence.

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, petitioners are not named in the FIR, charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence and also taking into consideration the material available on record, let the



petitioners above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Araria in connection with Raniganj P.S. Case No. 525 of 2020, 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 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 bail.

(Alok Kumar Pandey, J)

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