

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22679 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- NAUTAN District- West Champaran

1. BABUL KUMAR Son of Birendra Singh Resident of Village - Sisva Bhutaha, Ward no.14, P.s.- Paharpur, Distt.- East Champaran.
2. Raju Kumar Son of Sri Kishor Singh @ Kishore Singh Resident of Village - Sisva Bhutaha, Ward no.14, P.s.- Paharpur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-08-2022 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 Nautan (Jagdishpur) P.S. Case No. 61 of 2022 registered for the offences punishable under Sections 414/34 of the Indian Penal Code.

As per seizure list, there is alleged recovery of water motor pump, Hero Splendar Motorcycle, salai rinch and Cutter from the possession of the petitioners and petitioners were not apprehended on spot.



Learned counsel for the petitioners submits that petitioners are in custody since 06.02.2022 petitioners bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioners further submits that Motorcycle in question is not a stolen property, it belongs to the father of the petitioner no. 2 and electric motor pump is also not a stolen property. In this way, no case of theft has been instituted anywhere in respect of the said water motor pump. Petitioners were going to their village and they were caught in the midway on the basis of suspicion.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West



Champaran in connection with Nautan (Jagdishpur) P.S. Case
No. 61 of 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 bail.

(Alok Kumar Pandey, J)

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