

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23326 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- KINJAR District- Jehanabad

1. Sohit Kumar Son of Sri Umakant Prasad Yadav @ Uma Shankar Prasad Resident of Village - Haibaspur, P.s.- Rani Talab (Kanpa), Distt.- Patna.
2. Anish Kumar Son of Sri Ram Narayan Singh Yadav Resident of Village - Haibaspur, P.s.- Rani Talab (Kanpa), Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Chaudhary, Sr. Advocate with
Mr. Akash Ankit, Advocate.
For the Opposite Party/s : Dr.Mrityunjaya Kr. Gautam, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ashok Kumar Chaudhary, learned senior counsel for the petitioners as well as Dr. Mrityunjaya Kr. Gautam, learned Additional Public Prosecutor for the State.

At the outset, learned senior counsel for the petitioners submits that on account of inadvertence, the name of the co-accused has wrongly been typed as Rohit Kumar instead of Rahul Kumar and as such, he seeks permission to make necessary correction in paragraph nos. 4, 5 and 6.

Permission is accorded.



The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Kinjar P. S. Case No. 06 of 2022 registered for the offences punishable under Sections 379, 414, 468 read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that while the informant was on patrolling duty, he apprehended three persons, who were riding on a motorcycle. It is further alleged that the co-accused, Rahul Kumar disclosed that he had purchased the motorcycle by his co-villager and his friend Ritik Kumar, later on, the motorcycle was found to be stolen.

Learned counsel appearing on behalf of the petitioners submitted that in fact, on the fateful night, both the petitioners accompanying with Rahul Kumar went for a joyful ride and save and except this much there is no material suggesting the complicity of the petitioners either in theft of the motorcycle or keeping it in their possession. It is further submitted that from the tenor of the F.I.R., it is evident that the motorcycle was purchased by Rahul Kumar and these petitioners have no concern with the alleged stolen motorcycle. It is next submitted that the petitioners are students, aged about 19 years and moreover, the investigation of the crime is already



completed and the charge-sheet has been submitted, however, they are in custody since 31.01.2022. It is lastly submitted that co-accused Rahul Kumar has been granted bail by this Hon'ble Court in Cr. Misc. No. 21906 of 2022 vide order dated 20.07.2022. A copy of which has been produced before this court and the same has been kept on record.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioners were apprehended by the Police with the stolen motorcycle.

Having considered the submissions made on behalf of the parties and taking into account the nature of allegation as also the fact that the said motorcycle was purchased by Rahul Kumar and he has already been granted bail by this Hon'ble Court and these petitioners are in custody since 31.01.2022, let the petitioners, 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 Additional Chief Judicial Magistrate III, Arwal in connection with Kinjar P. S. Case No. 06 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the



trial.

- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

shakir/-

U		T	
---	--	---	--

(Harish Kumar, J)

