

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23625 of 2022

Arising Out of PS. Case No.-542 Year-2021 Thana- MADHAURAH District- Saran

1. DEEPAK KUMAR SON OF MANOJ KUMAR RAM R/O VILLAGE-TAJPURWA, P.S.- MARHOWRAH, DISTRICT- SARAN.
2. HRITIK KUMAR @ RITIK KUMAR SON OF PARMA RAY R/O VILLAGE- TOPALPUR, P.S.- DORIGANJ, DISTRICT- SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-08-2022 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 Marhowrah P.S. Case No.542/2021 registered for the offences punishable under Sections 392 of the Indian Penal Code.

As per prosecution case, on 16.09.2021 the informant was going to home from motorcycle in the way three miscreants stopped him and snatched the motorcycle and mobile phone from the informant and fled away from the place of occurrence.

Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case. The petitioners are not named in the FIR and the name of petitioners have been transpired in this case, on the basis of confessional statement of co-accused, Suraj Kumar given before the police during course of investigation. Learned counsel for the petitioners further submits that no any incriminating article has been recovered from the possession of the petitioners. The petitioners have been remanded in this case from another case in Garkha P.S. Case No.776/2022. The petitioners are languishing in custody since 24.01.2022 and bear criminal antecedent of one case in which they are on bail. Charge sheet has been submitted in this case and there is no likelihood of tampering with 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, charge sheet has already been submitted in this 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chhapra in connection with Marhowrah P.S. Case No.542/2021, 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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