

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24088 of 2022

Arising Out of PS. Case No.-156 Year-2021 Thana- SIMRI District- Buxar

1. ARVIND KUNWAR Son of Late Govind Kunwar Resident of Village - Dumri, P.S.- Simri, Distt.- Buxar.
2. Vikash Kumar @ Vikash Kunwar Son of Yamraj Kunwar Resident of Village - Dumri, P.S.- Simri, Distt.- Buxar.
3. Akash Kumar @ Akash Kunwar Son of Yamraj Kunwar Resident of Village - Dumri, P.S.- Simri, Distt.- Buxar.
4. Jai Prakash @ Jugul Son of Yamraj Kunwar Resident of Village - Dumri, P.S.- Simri, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-08-2022 Heard learned counsel for the petitioners and
learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Simri P.S. Case No. 156 of 2021 registered for the alleged offences under Sections 457, 380 and 34 of the Indian Penal Code.

As per prosecution case, theft was committed in the



house of the informant when she was not in her house and on her return she found that some jewellery items, cash etc. have been stolen from her house. She named the petitioners who might have stolen the articles along with co-accused Ranjan Kumar.

Learned counsel for the petitioners submits that the petitioners have been named merely on suspicion and there is no eye witness to the said occurrence. The petitioners are all family members and they are co-villagers of the informant. The recovery of some stolen articles have been made from an abandoned house but no recovery has been made from conscious possession of the petitioners except some recovery from the house of the petitioner no. 4 but the same is planted. The co-accused Ranjan Kumar has been granted regular bail vide order dated 04.04.2022 passed in Cr. Misc. No. 62907 of 2021 by a Coordinate Bench. The petitioners nos. 1 to 3 are in custody since 23.02.2022. Whereas the petitioner no. 4 is in custody since 01.06.2021. Charge sheet has been submitted in this case.

Learned APP for the State opposes the prayer for bail of the petitioners submitting that the recovery has been made from the petitioners who are part of a gang of thieves.



Having regard to the facts and circumstances of the case and considering the submission made on behalf of the petitioners and also considering the fact that no recovery is stated to be made from petitioner nos. 1 to 3 whereas the some recovery has been shown from petitioner no. 4 and considering their respective period of custody and submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand)each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Buxar in connection with Simri P.S. Case No. 156 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioners.
- (iii) The petitioners will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioners will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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