

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24763 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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1. SURAJ KUMAR Son of Dhuri Sharma Resident of Village - Bheriharwa,
P.s.- Bairiya, Distt.- West Champaran.
 2. Deepak Kumar Son of Hrindra Mahto Resident of Village - Bheriharwa, P.s.-
Bairiya, Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-06-2022 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 Bettiah
Town P.S. Case No. 75 of 2022 registered for the offences
punishable under Sections 413, 414 of the Indian Penal Code.

As per prosecution case, on 02.02.2022 while the
informant along with other police personnel during raid reached
at Dominoz in Supriya Cinema Road, they saw two boys started
fleeing by motorcycle speedily. Both were asked to stop. They
disclosed their name as petitioners and further disclosed that



motorcycle is of theft property.

Learned counsel for the petitioners submits that petitioners are in custody since 03.02.2022 and bear no criminal antecedent. He further submits that petitioner no. 2 has filed supplementary affidavit stating therein that father of petitioner no. 2 has died on 05.06.2022. Petitioners are innocent and have falsely been implicated in this case. It has been submitted that motorcycle in question was purchased from co-accused Raju Ram who used to sell the stolen motorcycle. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

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

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 75 of 2022, subject to following conditions:-



(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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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