

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26075 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- KAKO District- Jehanabad

1. Sudhir Paswan @ Sudhir Kumar Paswan Son Of Raghuwar Paswan R/O- Vill- Jamira, P.S.- Muffasil, District- Bhojpur (ARA)
2. Raushan Singh @ Raushan Kumar Son Of Late Dharmendra Singh R/O- Vill- Jamira, P.S.- Muffasil, District- Bhojpur (ARA)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rahul Kumar, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-08-2022 Heard learned counsel for the petitioners and
learned APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioners is in custody in connection with
Kako (Jehanabad) P.S. Case No. 5 of 2022 under section 379 of
the Indian Penal Code.

As per the allegation in the FIR, the informant who
is having cement shop on 8.1.2022 had parked his tractor with
trolley loaded with 150 kg. Ultratech Cement. On the next day,
when he came there to open his shop, the said tractor was
missing. Accordingly, the FIR was lodged. Subsequently, the



tractor and trolley were recovered/seized in Sonapur and the petitioners were apprehended and made an accused in this case.

Learned counsel for the petitioners submit that although recovery/seizure has been shown at Sonapur and the seizure witnesses are residents of at Jehanabad. He further submits that in any case, they have been in custody since 11.1.2022 (as stated in para-11 of the bail application). He lastly submits that one of the co-accused Rakesh Kumar has since been enlarged on bail by this Court vide Cr. Misc. No. 25898 of 2022 on 17.8.2022.

Let the same be kept on record.

Taking into account the aforesaid facts as also that they are in custody since 11.1.2022 as also the fact that one of the co-accused has since been granted the privilege of bail and the charge-sheet stands submitted, this Court is inclined to grant them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of the learned A.C.J.M.-I, Jehanabad, in connection with Kako (Jehanabad) P.S. Case No. 5 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members of



the petitioners, who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police station every fortnight for next six months to mark their presence;

(iv) They shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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