

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26545 of 2022

Arising Out of PS. Case No.-161 Year-2021 Thana- LAKHNAUR District- Madhubani

1. Md. Mustak Mansuri Son of Md. Kasim Nadaf Resident of Village - Machhadhi, P.s.- Jhanjharpur, Distt.- Madhubani.
2. Hiralal Ram Son of Chauthi Ram Resident of Village - Machhadhi, P.s.- Jhanjharpur, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Adv

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-08-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection with Lakhanour P.S. Case No. 161 of 2021 for the offences punishable under Sections 379 of the Indian Penal Code .

As per the prosecution case, it is alleged that while the informant was going to his village and when he parked his motorcycle besides the road and went to attend the nature call. In the meantime, unknown person took away his



motorcycle and fled away.

Learned counsel for the petitioners submits that the FIR has been instituted against unknown thieves however, during the course of investigation, the name of the petitioners transpired on the confessional statement of co-accused Ful Mansoori with whom the petitioners had inimical terms. On the confession made by the co-accused, the alleged stolen motorcycle was also recovered and the petitioners having no criminal antecedent and are in custody since 19.12.2021.

On the other hand, learned counsel for the State opposed the bail application and submits that the name of the petitioners have transpired during the course of investigation.

Having heard the rival contentions of the parties and taking into consideration the fact that the petitioners are neither named in the FIR nor any incriminating material has been recovered from person or possession of the petitioners. Apart from the fact that on whose confession, the name of the petitioners have transpired has already been granted bail by learned co-ordinate Bench of this Court, let the



petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st Jhanjharpur, Madhubani in connection with Lakhanour P.S. Case No. 161 of 2021 subject to the condition that one of the bailors will be the close relatives 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 his 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.

(Harish Kumar, J)

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