

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27643 of 2022

Arising Out of PS. Case No.-22 Year-2022 Thana- WAJIRGANJ District- Gaya

Prakash Mali Son Of Hari Mali @ Hari Kishan Mali, R/o village-
Makdumpur, P.S.- Sheikhpura, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27747 of 2022

Arising Out of PS. Case No.-22 Year-2022 Thana- WAJIRGANJ District- Gaya

1. Rajesh Mali, Son of Ram Prasad Mali.
2. Shobha Devi, W/o Rajesh Mali.
Both Resident of Village - Nyayipur, P.S.- Chausa, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 27643 of 2022)

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

(In CRIMINAL MISCELLANEOUS No. 27747 of 2022)

For the Petitioner/s : Mr.Abhishek, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioners and the learned
APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioners are in judicial custody in connection with
Wazirganj P.S. Case No.22 of 2022 instituted under Sections 413,
414/34 of the Indian Penal Code.



As per the FIR, it is alleged that during '*Makarsakranti*' the police had got information that lots of ladies who had gone for purchasing were deprived of their respective purses and mobiles. Accordingly, through surveillance, the police caught hold of the accused persons, the two petitioners are one amongst them. Upon search, it is alleged that number of mobiles were recovered/seized from them. Accordingly, seizure list prepared and they were arrested.

Learned counsel for the petitioners submit that although there is allegation of recovery/seizure of mobiles from their respective possession, no one has claimed the such mobile and as such the allegation of the police can be easily rejected. He further submits that the petitioners do not have any criminal antecedent and both the petitioners are in custody since 15.01.2022.

Taking into account the aforesaid facts that the petitioners have remained in custody since 15.01.2022, the charge-sheet stands submitted and they have no criminal antecedent, this Court is inclined to grant them privilege of bail. However, if it is found that any of them is having criminal antecedent, this bail order shall become infructuous.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Wazirganj P.S. Case No.22 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate,1, Gaya, subject to following conditions:



(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her 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 their bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark their presence;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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