

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38045 of 2021

Arising Out of PS. Case No.-4 Year-2020 Thana- TELHARA District- Nalanda

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LALLU KUMAR S/o Yadu Chaudhari R/o Village- Chamerha, P.S.-
Ekangarsarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 71574 of 2021

Arising Out of PS. Case No.-4 Year-2020 Thana- TELHARA District- Nalanda

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PAWAN RAJAK S/o Dinesh Rajak Resident of Village- Metra, P.S.- Ghoshi,
District- Jehanabad, Present Address- Bahadurpur Railway Gumti, Durga
Sthan, P.S.- Bahadurpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 38045 of 2021)

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr. Humayou Ahmad Khan

(In CRIMINAL MISCELLANEOUS No. 71574 of 2021)

For the Petitioner/s : Mr.Arbind Kumar

For the Opposite Party/s : Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 07-04-2022 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State, in both the cases.

The petitioners seek regular bail in connection with
Telhara Police Station Case No. 04 of 2020, registered for the
offence punishable under Section 379 of the Indian Penal Code.

The prosecution case, as per the First Information



Report, is that the tractor and trolley of the informant was stolen by some unknown miscreants while the same was parked near the side of the road.

Learned Counsel for the petitioners submits that the petitioners are not named in the First Information Report and they have been implicated in this case on the basis of the confessional statement of the co-accused Laxman Rajak and the self-inculpatory statement of the petitioner Lallu Kumar was also recorded. They further submits that nothing has been recovered from the possession of the petitioners and co-accused Laxman Rajak, on the basis of whose confessional statement, the petitioners have been implicated in this case, has been granted bail by a co-ordinate Bench of this Court, vide order, dated 13.08.2021, passed in Criminal Misc. No. 30252 of 2021 and said co-accused Laxman Rajak is also having criminal antecedent of nine cases. He further submits that the petitioners are in custody since 10.12.2020 and 10.09.2021 respectively.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that similarly situated co-accused Laxman Rajak has been granted bail by this Court, nothing has been recovered from the possession of the petitioners, charge sheet



has been submitted against them and they are in custody since 10.12.2020 and 10.09.2021 respectively, I am inclined to grant regular bail to the petitioners.

These applications are, accordingly, allowed.

Let the petitioners, above named, be released on bail, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Hilsa, Nalanda, in connection with Telhara Police Station Case No. 04 of 2020.

This is subject to the conditions that the petitioners shall present themselves before the Court, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled and 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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