

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29099 of 2022

Arising Out of PS. Case No.-315 Year-2021 Thana- MOUZA HIDPUR District- Bhagalpur

1. RAVI KUMAR Son of Suresh Yadav Resident of Mohalla - Sakrullachak,
P.S. - Babarganj, District - Bhagalpur.
2. Suresh Yadav Son of Late Ballo Yadav Resident of Mohalla - Sakrullachak,
P.S. - Babarganj, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-07-2022 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 Mojahidpur (Babarganj) P.S. Case No. 315 of 2021 initially registered for the offence punishable under Section 379 of the Indian Penal Code but later on Sections 413 and 414 of the IPC were added.

As per prosecution case, in the night of 16/17-11-2021, the informant who is S.I. of Babarganj O.P. was on duty.



At about 1:30 hours, lady constable no. 1044 Ranjana Kumari who was also on duty in the campus raised alarm that a thief is fleeing after committing theft of motorcycle kept in the campus. On alarm the informant came there but at that time the thief had fled away. It is alleged that said motorcycle bearing Registration No. BR 10L 3605 was the stolen property of Mojahidpur (Babarganj) P.S. Case No. 288 of 2021. The FIR has been lodged against unknown.

Learned counsel for the petitioners submits that petitioners are not named in the FIR and the FIR has been lodged against unknown. In course of investigation, on the basis of report made by spy petitioner no. 1 Ravi Kumar was apprehended by the police and the police has forcibly taken his confessional statement and on the basis of said confessional statement, name of petitioner no. 2 has also sprang up which has no evidentiary value in the eyes of law. He further submits that on the basis of confessional statement of petitioner no. 1 Ravi Kumar, one stolen motorcycle is said to have been recovered from the house of co-accused Vijay Yadav. Petitioners are in custody since 23.11.2021 and 24.11.2021 respectively. Petitioners bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the



prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence 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, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 315 of 2021, subject to following conditions:-

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