

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19189 of 2022

Arising Out of PS. Case No.-84 Year-2021 Thana- BHAPTIAHI District- Supaul

1. Md. Mukhtar S/o Md. Sagir R/o Village - Fulkaha, P.S.- Jadiya, Distt.- Supaul.
2. Md. Shakil S/o Md. Hasan Resident of Village - Narpatganj, P.S. - Narpatganj, District - Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 31585 of 2022

Arising Out of PS. Case No.-84 Year-2021 Thana- BHAPTIAHI District- Supaul

1. Rakesh Kumar Son of Sikandar Yadav Resident of Village - Fulkaha, P.s.- Jadiya, Distt.- Supaul.
2. Md. Juber Son of Late Imamul Resident of Village - Fulkaha, P.s.- Jadiya, Distt.- Supaul.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In Criminal Miscellaneous No. 19189 of 2022)

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

(In Criminal Miscellaneous No. 31585 of 2022)

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 29-08-2022 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 case is registered under sections 392 of the Indian Penal Code, in connection with Bhaptiyahi P.S. Case No. 84 of 2021.

The prosecution version is that on 31.3.2021, when the informant and one Chandan Kumar were on NH-57 in Auto after distributing medicines and collecting cash, four accused persons in two motorcycles intercepted them and on gun point snatched the cash which amounted to Rs. 84,400/- and fled away.

In this case, the case diary was called for 28.7.2022 and the same has been received.

Learned counsel for the petitioners submit that they have been victim of circumstances inasmuch as once they have criminal antecedents, they have been implicated in each and every incident that occurs in that area. In this particular case also, they been taken into custody in September, 2021 and all have been taken on remand on 4.1.2022 and are in jail there.

Considering the fact that charge-sheet stands submitted and they are in custody since 4.1.2022 and



ultimately they have to face the trial, this Court is inclined to grant them the privilege of bail with strict conditions in view of the fact that each and every petitioner has number of criminal cases under his belt.

Let the petitioners be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) each with two sureties of like amount each to the satisfaction of C.J.M., Supaul, in connection with Bhaptiyahi P.S. Case No. 84 of 2021 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 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 bail by the Trial Court itself;

(iii) they shall appear before the concerned police station every month till conclusion of the trial to mark their presence;

(iv) the petitioners shall desist from committing any criminal offence again, 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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