

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30481 of 2022

Arising Out of PS. Case No.-171 Year-2022 Thana- MAJHAULIA District- West Champaran

MAHAVIR KUMAR SON OF RAMNATH SAH RESIDENT OF
TIRUHUTIYA DUBEY TOLA , P.S- KUMARBAGH O.P, DIST- WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31367 of 2022

Arising Out of PS. Case No.-171 Year-2022 Thana- MAJHAULIA District- West Champaran

RAJ HUSSAIN @ RAJA HUSSAIN Son of Mauladdin Mian @ Molaudin
Miyam Resident of Village - Bagahi, Ward No. 13, P.S. - Sugauli, District -
East champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34839 of 2022

Arising Out of PS. Case No.-171 Year-2022 Thana- MAJHAULIA District- West Champaran

SATYENDRA KUMAR SINGH @ SATYENDRA KUMAR S/o Indal Singh
Resident of Village- Ghosiya Kalan, P.S.- Bikramganj, District- Rohtas
(Bihar), At present resident of Motihari Police Tiger Mobile.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 30481 of 2022)

For the Petitioner/s : Mr.Umesh Kumar Gupta

For the Opposite Party/s : Mr.Choubey Jawahar

(In CRIMINAL MISCELLANEOUS No. 31367 of 2022)

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

(In CRIMINAL MISCELLANEOUS No. 34839 of 2022)

For the Petitioner/s : Mr.Rajani Kant Singh



For the Opposite Party/s : Mr.Ashok Kumar Singh

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 Majhaulia P.S. Case No. 171 of 2022 registered for the offences punishable under Sections 356 and 379 of the Indian Penal Code.

As per prosecution case, the informant and his brother were going to purchase the electric items. It is alleged that they reached near Rampurwa Petrol Pump, in the meantime, two persons came on a motorcycle and asked about the way of Raxaul and after few minutes one Scarpio came there and one person snatched Rs. 1,00,000/- (one lakh) from informant and another person snatched Rs. 50,000/- (Fifty thousand) from pocket of informant's brother and fled away.

Learned counsel for the petitioners submits that petitioner namely Mahavir Kumar is in custody since 14.03.2022 and petitioner namely Raj Hussain and Satyendra Kumar Singh are in custody since 15.03.2022. Petitioners bear



no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioners are not named in the F.I.R. Petitioners are innocent and have falsely been implicated in this case and the name of petitioners have been surfaced on the basis of confessional statement of co-accused persons. Nothing has been recovered from the possession of the petitioners. There is no TIP Parade till date.

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 as well as period of custody, keeping in view clean antecedent of petitioners, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, nature of allegation 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, Bettiah, West Champaran in connection with Majhauria P.S. Case No. 171 of 2022, 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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