

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31328 of 2022

Arising Out of PS. Case No.-80 Year-2022 Thana- NOORSARAI District- Nalanda

1. Shiv Ratan Kumar @ Shibu Son of Sunil Jamadar Resident of Village-Andhana Beldari, P.S.-Noorsarai, District-Nalanda.
2. Vishant Kumar Son of Vijay Jamadar Resident of Village-Andhana Beldari, P.S.-Noorsarai, District-Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate.

For the Opposite Party/s : Mr.Harendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-08-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Mr. Pankaj Kumar, learned counsel for the petitioners and Mr. Harendra Prasad, learned APP for the State are present.

Petitioners seek regular bail in connection with Noorsarai P.S. case no. 80 of 2022 registered for the offences punishable under Sections 379, 411/34 of the Indian Penal Code.

As per allegation three accused persons entered in the farm house of the informant in the night and the presence of the accused persons was captured on a CCTV camera installed at the farm house of the informant and the accused persons stole away Rs. 55,000/- from the informant's farm house and on the basis of CCTV footage one co-accused namely sahil kumar was identified



by the informant.

The main submissions advanced by Mr. Pankaj Kumar, learned counsel for the petitioners are that both the petitioners have got clean antecedent, they have been languishing in jail since 10.03.2022 and as per the prosecution a cash of Rs. 12,900/- a sum of Rs. 13,500 are stated to have been recovered from the houses of both the petitioners but regarding the recovered money any TIP has not been conducted by the police after the petitioners were taken into custody. Further submission is that the investigation in respect of the petitioners has been completed and the petitioners have been sufficiently punished for the alleged wrong and the alleged offences are triable by the Magistrate Court.

Mr. Harendra Prasad, learned APP has opposed the prayer for bail.

In view of the above submissions and considering petitioners' clean antecedent and their custody period, in my view a lenient approach can be taken in respect of petitioners' prayer let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of concerned Court in connection with Noorsarai P.S. case No. 80 of 2022 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



below and shall remain physically present as directed by the Court below and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be close relative of the petitioners.

(4) The Court below will verify the criminal antecedent of the petitioners but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioners is found then the Court below shall take serious action against them for cancellation of their bail bond.

(Shailendra Singh, J)

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