

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31978 of 2022**

Arising Out of PS. Case No.-4 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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1. Gobind Kumar S/o Anil Das Resident of Village- Sariya, P.S.- Goradiah, Distt- Bhagalpur.
 2. Amit Kumar S/o Tuntun Mandal Resident of Village- Bhim Das Tola, P.S.- Rangra, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 31-08-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the
offences punishable under Section 379 of the Indian Penal
Code.

According to prosecution case, in short, is that on
27.12.2021, the informant Md. Ali Raja parked his motorcycle
in front of the Big-shop and when after 10 minutes he returned
then he did not find his motorcycle there.

Learned counsel for the petitioners submits that



petitioners are innocent and they have falsely been implicated in the present case. He further submits that petitioner are not named in the F.I.R. and the name of the petitioners have been transpired during investigation. He further submits that petitioners have no knowledge about the motorcycle was stolen property and the motorcycle was given by one Sitaram Mandal to the petitioners and petitioners have no concern at all whether the motorcycle was stolen or not. The petitioners are in custody since 28.01.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 the learned Court below where the case is pending in connection with Kotwali P.S. Case No. 04 of 2022, subject to 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 and shall remain physically



present as directed by the court 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. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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