

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41315 of 2021**

Arising Out of PS. Case No.-206 Year-2021 Thana- BARH District- Patna

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1. ANKIT KUMAR S/O SHALESH KUMAR R/O VILLAGE-KAJMUNNICHAK, BARH, WARD NO.18, P.O AND P.S-BARH, DISTRICT-PATNA.
  2. RUPESH KUMAR S/O MADAN SAW R/O VILLAGE-KAJMUNNICHAK, BARH, WARD NO.18, P.O AND P.S-BARH, DISTRICT-PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Manoj Kumar Pandey  
For the Opposite Party/s : Mr.A.G

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

5      21-02-2022                      Heard learned counsel appearing on behalf of the  
petitioners and learned A.P.P. for the State.

Let the defect (s), if any, be removed within two  
weeks.

The petitioners, who are in custody since 22.05.2021,  
seeks regular bail in connection with Barh P.S. Case No. 206 of  
2021, for the offence punishable under Sections 379, 414/34 of  
the Indian Penal Code.

The prosecution case, in brief as contained in the  
written report of Rajendra Kumar Chaurasia, A.S.I., posted at  
Barh P.S. is that he along with other police officials checking the  
vehicle near S.B.I. Bank. In the meantime, at 12.45 P.M., he got



information from P.S. that four boys was going to commit theft towards Bhuneshwari Chauk, then he saw four boys by two motorcycles were coming and after seeing the police, they were trying to flee away, the police chased them and arrested. They disclosed their name as Vikas Kumar, Ankit Kumar, Rupesh Kumar and Gaurav Kumar. Two motorcycles were seized by the police. On search, one damaged mobile of Vivo Company recovered from Vikas Kumar, two mobiles recovered from Rupesh Kumar. On query about the motorcycles, they not produced any paper about the motorcycles.

Learned counsel appearing on behalf of the petitioners submits that the petitioner No.1 was arrested along with motorcycle bearing Registration No. BR18P-3401 and petitioner No.2 was arrested along with motorcycle bearing Registration No. BR-01-CN-0859, which has been shown to be recovered from the possession of the petitioner from nearby place. The allegation is not sustainable as there is no eye witness nor the seizure list has been prepared in presence of the independent witnesses. Petitioners have clean antecedent and are in custody since 22.05.2021.

Learned A.P.P. for the State has opposed the payer for grant of bail to the petitioners.



Considering the nature of allegation as well as the alleged motorcycle which has been recovered from the possession of the petitioners pursuant to which seizure list was prepared and from perusal of the seizure list, it appears that there is no independent witnesses, the petitioners have clean antecedent and are custody since 22.05.2021 and there is no likelihood of trial concluded due to Covid-19 pandemic, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-Ist, Barh, Patna, in connection with Barh P.S. Case No. 206 of 2021, subject to the following conditions :-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

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

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioners are found involved in similar



nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

The Court below is directed to verify the above order subject to the condition that if petitioners are involved in any other criminal case, as stated in para 3 of the bail application, this order will automatically loose its force.

**(Purnendu Singh, J)**

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