

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31368 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- TARAIIYA District- Saran

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PANKAJ KUMAR Son of Upendra Kumar Resident of Village - Kistipur, P.S.
- Masaurhi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35602 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- TARAIIYA District- Saran

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RAHUL KUMAR Son of Late Premchandra Sharma @ Premchand Sharma
Resident of Village - Teleha, P.S.- Janta Bazar, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 31368 of 2022)

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Amitesh Kumar

(In CRIMINAL MISCELLANEOUS No. 35602 of 2022)

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 09-11-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Learned counsel for the petitioner is permitted to

make necessary correction in the bail petition during course of

the day.

Heard learned counsel for the petitioners and learned



A.P.P. for the State.

The petitioners seek bail in connection with Taraiya P.S. Case No. 05 of 2022 registered for the offences punishable under Sections 392 of the Indian Penal Code.

As per prosecution case, four unknown persons on a white colour car stopped the informant's Bolero Pickup van. It is further alleged that accused persons snatched the Pickup van and fled away towards Mashrak.

Learned counsel for the petitioners submits that petitioner Pankaj Kumar is in custody since 03.03.2022 and petitioner Rahul Kumar is in custody since 08.04.2022. Petitioner Pankaj Kumar bears criminal antecedent of four cases regarding these four cases learned counsel submits in para 3 of the bail petition that after arresting in the present case police have implicated the present petitioner in these four cases. Petitioner Rahul Kumar bears criminal antecedent of one case. 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. Their names have been transpired upon the confessional statement of co-accused Rohit Kumar. No incriminating article has been recovered from the conscious



possession of the petitioners. Except confessional statement there is nothing on record to demonstrate the complicity of present petitioners with the alleged occurrence. Petitioners have not been put on T.I.P. till today.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners and submits that petitioners bear criminal antecedent.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the materials available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Saran, District Saran at Chapra in connection with Taraiya P.S. Case No. 05 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 without appropriate permission 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.

(iv) Petitioners shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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