

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41625 of 2021

Arising Out of PS. Case No.-407 Year-2020 Thana- WARISLIGANJ District- Nawada

1. SANOJ KUMAR Son of Late Sadhu Sharan Prasad Resident of Village - Kewal Bigha, P.S. - Warisaliganj, District - Nawada.
2. MOHIT KUMAR Son of Late Upendra Prasad Resident of Village - Kewal Bigha, P.S. - Warisaliganj, District - Nawada.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Priya Sharan Singh

For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-04-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 379 of the Indian Penal Code.

The allegation against these petitioners is that they in association of other co-accused have stolen the motorcycle of



the informant.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case on the confessional statement of apprehended co-accused Satendra Prasad, which has no evidentiary value in the eye of law. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. No incriminating article has been recovered from the conscious physical possession of the petitioner. The said co-accused, Satendra Prasad has been enlarged on bail by the learned Court below. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 lower Court where the case is pending/successor Court in connection with Warisaliganj P.S. Case No.407 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to further condition that



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

(2) Petitioners shall cooperate 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 his absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned Court below.

(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 petitioners.

(Anjani Kumar Sharan, J)

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