

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32444 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- MALI District- Aurangabad

GUDDU KUMAR Son of Ishvardyal Singh Resident of Village - Kanchanpur
Tola, Nashib Bigha, P.S.- Narari Kala Khurd, Distt.- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 32704 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- MALI District- Aurangabad

SONU KUMAR SON OF NARENDRA YADAV RESIDENT OF VILLAGE-
TENDUA HEIBAT, P.S.- NARARI KALA KHURD, DISTRICT-
AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32444 of 2022)

For the Petitioner/s : Mr.Binod Kumar Pandey

For the Opposite Party/s : Mr.Rabindra Kumar

(In CRIMINAL MISCELLANEOUS No. 32704 of 2022)

For the Petitioner/s : Mr.Binod Kumar Pandey

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Mali
P.S. Case No. 28 of 2022 registered for the offences punishable



under Sections 379 and 411 of the Indian Penal Code.

As per prosecution case, the informant and his friend was watching cricket match with their respective motorcycle and when they came to the place where the motorcycles were parked they did not find their motorcycles on the said place. As per seizure list the motorcycle was recovered from the present petitioner.

Learned counsel for the petitioners submits that petitioners are in custody since 28.03.2022. Petitioners bear no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioners are not named in the F.I.R. Learned counsel for the petitioners submits that the said stolen motorbikes were seized from Charan Petrol Pump and the petitioners were arrested from there. The petitioners were quite unaware of the fact that the said motorcycle is stolen one. The place of recovery is petrol pump which is open to all as seizure list indicates specifically that the seized place from where the motorcycle was recovered is public place.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case



as well as period of custody, charge-sheet has already been submitted, keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Mali P.S. Case No. 28 of 2021, 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 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.

(Alok Kumar Pandey, J)

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