

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43662 of 2021

Arising Out of PS. Case No.-795 Year-2020 Thana- SUPAUL District- Supaul

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DHARMENDRA KUMAR Son of Pritlal Yadav Resident of Village -
Khajuri, P.S. Sourbajar, District - Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 45667 of 2021

Arising Out of PS. Case No.-795 Year-2020 Thana- SUPAUL District- Supaul

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AVINASH KUMAR @ VIVEK Son of Shambhu Yadav Resident of Village -
Bara Ward No.11, P.S. and Distt.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 43662 of 2021)

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Mr. Shailendra Kumar

(In CRIMINAL MISCELLANEOUS No. 45667 of 2021)

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-03-2022 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners seek bail in connection with Supaul P.S.

Case No. 795 of 2020 registered for the offence under Sections

394 and 411 of the Indian Penal Code.

The case relates to loot of cash and the motorcycle of

the informant on the point of pistol.



Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. As a matter of fact, the petitioners have not been named in the F.I.R. but on the confessional statement of the co-accused, namely, Niraj Kumar, they have been implicated in this case. He further submits that the petitioner, Dharmendra Kumar, had purchased the alleged motorcycle from the co-accused, Niraj Kumar. He further submits that nothing has been recovered from the conscious possession of the petitioner, Avinash Kumar @ Vivek. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners but till date no T.I.P. parade has been conducted by the prosecution. The petitioners are rotting in judicial custody since 09.04.2021 and 15.03.2021 respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner, Dharmendra Kumar, bears clean antecedent, whereas petitioner, Avinash Kumar @ Vivek carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 learned C.J.M., Supaul in connection with Supaul P.S. Case No. 795 of 2020 with



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 canceled 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.

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 his 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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