

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34641 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- ARA RAIL P.S. District- Bhojpur

Birju Singh, Son Of Gonudeyal Singh, R/O- Vill- Tin Pahadh (Tin Pahar),
P.S.- Raajmahal, Dist.- Sahebganj (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35251 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- ARA RAIL P.S. District- Bhojpur

Dharmendra Bharti, S/o Rajendra Bharti Resident of Village- Tinpahadh,
P.O.- Tinpahadh, P.S.- Tinpahadh, District- Sahebganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34641 of 2022)

For the Petitioner/s : Mr.Ganesh Prasad Singh, Advocate

For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 35251 of 2022)

For the Petitioner/s : Mr.Samir Kumar, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-09-2022 Heard learned counsels for the petitioners in both the cases and the learned APP for the State.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The case is registered under Sections 379, 41, 414, 34 of the Indian Penal Code in connection with Ara Rail P.S. Case No.39/2022.

The allegation in the FIR is that the police upon patrolling heard the noise of ‘chor-chor’ and caught hold of two



persons namely Pandu Noniya and Ganesh Kumar and thereafter stolen mobiles were recovered from them. Later their rented house was also raided and it is alleged that four mobiles were recovered from the petitioner Dharmendra Bharti and two from the petitioner Birju Singh amongst other.

Learned counsel for the petitioners submit that for the said alleged occurrence they have suffered a lot by being in custody since 07.03.2022 due to the fact that one of them Dharmendra Bharti is having criminal antecedent. It is their last submission that one of the accused Pandu Noniya has since been released on bail vide Cr. Misc. No.31645/2022 on 25.08.2022.

Taking into account the aforesaid facts that they are in custody since 07.03.2022, charge-sheet stands submitted and one of the similar placed co-accused has since been released on bail as stated above, this Court is inclined to grant them privilege of bail.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Ara Rail P.S. Case No.39/2022 to the satisfaction of learned Railway Judicial Magistrate, Ara, subject to following conditions:

- (i) one of the bailor should be the family member of



the petitioners, who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark their presence;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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