

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44602 of 2021

Arising Out of PS. Case No.-163 Year-2021 Thana- SITAMARHI District- Sitamarhi

1. MD. SARFE SON OF LATE ANWARUL MANSOORI R/O VILLAGE-
LICCHI BAGAN WARD NO 1 BHAIRO KOTHI P.S- SITAMARHI DIST-
SITAMARHI
2. FOOL MOHAMMAD MANSURI SON OF WAKIL MANSURI R/O
VILLAGE- BAHIROKOTHI, WARD NO 2, P.S- DISTRICT- SITAMARHI

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioners and learned A.P.P. for the State.

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

The petitioners, who are in custody since
03.03.2021, seek regular bail in connection with Sitamarhi P.S.
Case No. 163 of 2021, for the offence punishable under Section
399 and 402 Indian Penal Code.

The prosecution case, in brief, is that on receiving
secret information regarding committing some offence, the
informant along with other Police personnel reached at the place



of occurrence, on seeing the Police personnel, accused persons started fleeing, but, on chase, petitioners were apprehended. On search, one equipment used for breaking locks and one sharp knife from his right pocket was seized from the possession of Md. Sarfe (Petitioner No.1) and a sharp knife was recovered from the possession of Fool Mohammad Mansuri (Petitioner No.2). Thereafter, it is alleged that both the accused persons have confessed that they were planning to commit theft in shops and commit robbery. Further they also stated the name of other accused persons.

Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and they have falsely been implicated in this case. He further submits that petitioners are doing the job of repairing of generator sets.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners.

Considering the above mentioned facts and circumstances of the case, the Court below is directed to obtain criminal antecedent report of the petitioners from the concerned Superintendent of Police and if it is found that no other criminal case is pending against the petitioners, as what has been stated in paragraph No.3 of the present bail application filed on behalf



of the petitioners, the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 163 of 2021, subject to the following conditions:-

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

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tampers 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.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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