

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34120 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- GADHPURA District- Begusarai

RAKESH KUMAR S/o Naresh Sah R/o- Village - Gadhpura, P.S.- Gadhpura,
District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34649 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- GADHPURA District- Begusarai

JITENDRA MAHTO @ JITENDRA KUMAR SON OF RAM CHANDRA
MAHTO Resident of Village - Gadhpura (Tole Katahari), P.s.- Gadhpura,
Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34120 of 2022)

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

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 34649 of 2022)

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

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-09-2022 Heard learned counsel for the petitioners and learned
APP for the State in both the aforesaid cases.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioners are in judicial custody in connection
with Gadhpura P.S. Case No. 01 of 2022 for the offences under



Section 392 of the Indian Penal Code.

The short prosecution story read as follows :-

(i) the informant, who was a staff of L & T Micro Finance, Mohanpur alleged that while on his way after collecting money, four accused persons pointed pistol and took away Rs. 91,700/- besides bio-metric device and a mobile;

(ii) during the course of investigation, name of the petitioners herein cropped up and accordingly both of them have been remanded on 22.02.2022.

Learned counsel for the petitioners submit that despite the fact that they have been in custody since 22.02.2022, neither the Test Identification Parade has been done nor anything has been recovered from his possession.

Learned APP for the State in both the cases submit that during investigation names of the petitioners have been cropped up and considering that they have criminal antecedent, their role cannot be exonerated.

Taking into account that fact that they are in custody since 22.02.2022, no T.I. Parade has been done, nothing has been recovered from their conscious possession and charge sheet stands submitted, this Court is inclined to grant them privilege of bail after framing of charges.



If however, it is found that any statement made in bail application is/are false, this bail order shall become infructuous.

Let the petitioners be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of like amount each to the satisfaction of Additional Sessions Judge -V, Begusarai in connection with Gadhpura P.S. Case No. 398 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, 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 reasons will entail their cancellation of bail by the Trial Court itself;

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

(iv) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;



(v) 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 applications are allowed.

(Rajiv Roy, J)

Jagdish/Neha -

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