

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44757 of 2021

Arising Out of PS. Case No.-509 Year-2020 Thana- PHULWARISHARIF District- Patna

1. NITISH KUMAR Son of Shri Laleshwar Yadav Resident of Village - Samanpura, P.s. Naubatpur, District - Patna.
2. PRAKASH CHANDRA UPADHYAY Son of Shri Shiv Kumar Upadhyay Resident of VPO, Ranipur, P.S. Paliganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 31-03-2022 Heard learned counsel appearing on behalf of the petitioners and learned APP for the State.

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

Petitioners, who are in custody since 06.11.2020, seek regular bail in connection with Phulwari Sharif (Janipur) P.S. Case No. 509 of 2020 registered for offences punishable under Section 395 of the Indian Penal Code.

Prosecution story in brief is that while the informant was going to Mithapur Mandi from his Bolero pickup van bearing registration no. UP64AT-2800, 4-5 miscreants had robbed his vehicle near Naharpura village.



Learned counsel appearing on behalf of the petitioners submits that petitioners are in custody since 06.11.2020. The alleged Bolero pickup van was recovered from Ankuri petrol pump. The petitioners have been implicated on the basis of tower location and simply because they have confessed their guilt in the police custody which has no evidentiary value in the eye of law. Two criminal cases are pending against them as stated in paragraph no. 3 of the bail application.

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

Considering the period of custody, without going into the merits of the case, the petitioners, above named, are directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM IX, Patna in connection with Phulwari Sharif (Janipur) P.S. Case No. 509 of 2020 subject to the following conditions:

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

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



(iii) If the petitioners tamper 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.

(iv) 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 bond.

(v) The petitioners will make their attendance before the concerned police station under which his house is located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(v) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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