

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36673 of 2022

Arising Out of PS. Case No.-207 Year-2022 Thana- MADANPUR District- Aurangabad

1. Arvind Kumar @ Karu Son of Manoj Chauhan Resident of Village - Kathbar Tole Bangla, P.S. - Madanpur, District - Aurangabad (Bihar)
2. Shrikant Kumar Son of Haradhan Chauhan Resident of Village - Kathbar Tole Bangla, P.S. - Madanpur, District - Aurangabad (Bihar)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-09-2022 Heard Mrs. Leelawati Kumari, learned counsel for the petitioner and Mr. Bharat Bhushan, learned APP who represents the State.

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

The case is registered under sections 420, 467, 468, 471, 413 and 314 of the Indian Penal Code, in connection with Madanpur P.S. Case No. 207 of 2022.

As per the prosecution story, the police upon information intercepted the accused persons and upon search, it is alleged that stolen motorcycle was recovered from one Sanjeet Kumar while master key was recovered from the



petitioners herein. Accordingly, in view of the fact that they failed to provide any document relating to the materials seized, the FIR was lodged and they were taken into custody.

Learned counsel for the petitioners submit that as per the seizure list, only keys were recovered from their possession and have clean antecedent and are in custody since 3.5.2022 (as stated in para-14 of the bail application).

Considering the aforesaid facts that the petitioners are in custody since 3.5.2022, having no criminal antecedent and the recovery is only keys, this Court is inclined to grant them the privilege of bail. However, if it is found that they do have criminal antecedent, this bail order shall become infructuous.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad (Bihar), in connection with Madanpur P.S. Case No. 207 of 2022 subject to the following conditions:

- (i) one of the bailors should be the family members 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 reasons will entail 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) 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)

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