

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38093 of 2022

Arising Out of PS. Case No.-554 Year-2021 Thana- NARPATGANJ District- Araria

1. BALRAM KUMAR SAH Son of Shivnarayan Sah Resident of village - Sisvar Bazar, P.S.- Fulparas, District - Madhubani.
2. Firoz Rahman Son of Atiul Rahman Resident of village - Sisvar Bazar, P.S.- Fulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-09-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Narpatganj P.S. Case No. 554 of 2021 registered for the offences punishable under Sections 328, 379, 34 of the Indian Penal Code.

As per prosecution case, unknown passengers assaulted the informant and took away tempo, mobile and Rs. 7000/ from the pocket of informant.

Learned counsel for the petitioners submits that



petitioners are not named in the FIR but in course of investigation police has recovered the stolen tempo of informant from joint possession of petitioners and their associates, as mentioned in the impugned order. Learned counsel for the petitioners submits that petitioners are in custody since 28.01.2022. Petitioners bear criminal history of three cases which are more or less of similar nature. Nothing has been recovered from conscious possession of the petitioners.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as this aspect of the matter that stolen tempo was recovered from joint possession of petitioners and their associates, **if the trial is not concluded within six months from the date of receipt/production of copy of this order,** petitioners above named shall be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No. 554 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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