

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37011 of 2022

Arising Out of PS. Case No.-147 Year-2021 Thana- FULKAHA District- Araria

1. Balram Kumar Sah, Son of Shivnarayan Sah.
 2. Firoz Rahman Son of Atiul Rahman.
Both Resident of village - Sisvar Bazar, P.S.- Fulparas, District - Madhubani.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-09-2022 Heard learned counsel for the petitioners and the learned
APP for the State.

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

The petitioners are in judicial custody in connection with
Fulkaha P.S. Case No.147/2021 instituted under Sections 328,379/34
of the Indian Penal Code.

As per the FIR, the informant has alleged that he was
riding a tempo which was hired by two persons and in the midway, as
he went to attend the nature's call, upon return found his son
vomiting and the two accused had decamped with the tempo.
Accordingly, the FIR was lodged. Subsequently, during investigation
the name of the petitioner came up and he was remanded from the
other case and is in jail since 28.01.2022.

Learned counsel for the petitioners submit that only



because he has criminal antecedent, he has been implicated in cases after cases and is in jail since 28.01.2022 and is ready to abide by all the terms and conditions, if enlarged on bail.

Learned APP of the State on the other hand vehemently oppose the prayer for bail and submitted that he has criminal antecedent of same nature and as such he do not deserve bail.

Considering all the aforesaid fact as also that he is in custody since 28.01.2022, charge-sheet stands submitted, and ultimately he has to face the Trial, this Court is inclined to grant him privilege of bail subject to certain conditions in view of the fact that he has criminal antecedent of same nature.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Fulkaha P.S. Case No.147/2021 to the satisfaction of learned S.D.J.M., Araria, subject to following conditions:

(i) one of the bailor should be the family member 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 reason will entail cancellation of their bail by the Trial court itself;

(iii) the petitioners shall leave the district (Madhubani) for



a period of three month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station (of his residence) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months;

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

(vi) 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)

Prakash Narayan /-

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