

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36188 of 2022

Arising Out of PS. Case No.-192 Year-2022 Thana- GHOSI District- Jehanabad

1. CHHOTU SHARMA @ RAVIKANT SHARMA @ CHHOTU SON OF JAIRAM SHARMA Resident of Village- Rukunpura, P.S.- Ghoshi (Okari O.P.) District- Jehanabad.
2. AKASH PASWAN @ AKASH KUMAR SON OF GODHAN PASWAN Resident of Village- Okari, P.S.- Ghoshi (Okari O.P.) , District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha
For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-09-2022 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 Ghoshi (Okari O.P.) P.S. Case No. 192/2022 registered for the offences punishable under Sections 420 and 414/34 of the Indian Penal Code.

As per prosecution case, stolen motorcycles were recovered from the possession of the petitioners. Other miscreants managed to escape.

Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case due to suspicion. The petitioners are languishing in custody since 22.04.2022 and bear criminal antecedent of two cases in which they are on bail. No incriminating article has been recovered from the conscious possession of the petitioners. He further submits that seized motorcycles are not stolen one rather, they belong to co-accused persons who fled away by seeing the police. They are having legal papers in their possessions. Since these petitioners were arrested at the place of occurrence, where others fled away, who are the legal owners of the motorcycles. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, period of custody, argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioners above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of learned C.J.M., Jehanabad in connection with Ghoshi (Okari O.P.) P.S. Case No. 192/2022, 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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