

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37656 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- NASRIGANJ District- Rohtas

Chandan Kumar Son Of Late Ramjee Sah @ Ramji Sah R/O Village-
Amiawar, P.S.- Nasriganj, Distt.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 37901 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- NASRIGANJ District- Rohtas

Radhe Shyam Singh S/o Ram Givind Singh R/o village- Phulli, P.S.- Kudra,
District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37656 of 2022)

For the Petitioner/s : Mr. Umeshanand Pandit, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 37901 of 2022)

For the Petitioner/s : Mr. Binod Murari Mishra, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-09-2022 Both the cases arisen from the same P.S. that is

Nasriganj P.S. Case No. 45 of 2022, therefore, heard together.

Let the defect(s), if any, be removed within two weeks

from today.

Heard learned counsels for the petitioners and learned

A.P.Ps. for the State through virtual mode.

The petitioners seek regular bail in connection with Nasriganj P.S. Case No. 45 of 2022 lodged under Section 379 of the I.P.C. subsequently added Sections 409, 406, 411/120(B) of the I.P.C.

As per the prosecution case, it has been alleged that in near village Amiyawar, a very old iron bridge in dilapidated condition was cut by the unknown accused persons, due to which the present F.I.R. has been lodged.

Learned counsel for the petitioner of first case submits that he is the pick up vehicle owner who used to provide his truck on rent. He submits that his truck was hired by someone through his driver on which the iron rod was loaded and he has nothing to do with the said scraps. He is simply the owner of the pick up vehicle used for public goods carrier, whereas his name has transpired on the basis of confessional statement of the co-accused Arvind Kumar @ Chhotu. He submits that petitioner's antecedent is clean and in custody since 11.04.2022, charge sheet has already been filed in this case.

Learned counsel for the second case submits that petitioner is the S.D.O. of Sone Canal Irrigation Department, Nasriganj and he is completely unaware but allegation is made upon him that he earned Rs. 25,000/- from the said act. Learned

counsel for the petitioner submits that petitioner is a Government servant and going to retire soon. He is ready to deposit Rs. 25,000/- subject to decision of the case in the Treasury of the Civil Court. He submits that he is in custody since 11.04.2022 having clean antecedent.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bikramganj, District - Rohtas in connection with Nasriganj P.S. Case No. 45 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the

petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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