

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38354 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- MUZAFFARPUR RAIL P.S. District-
Saran

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1. Nawal Kishore @ Nawal Sah Son of Hari Sah R/O Vill. - Akharaghat, Behind S.P. Kothi, P.S. - Town, Dist.- Muzaffarpur
 2. Vijay Mahto Son of Late Shankar Mahto R/O Vill. - Akharaghat, Behind S.P. Kothi, P.S. - Town, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.Ii, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel appearing on behalf of the

petitioners and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of

four weeks from today.

The petitioners seek bail in connection with

Muzaffarpur Rail P.S. Case No. 82 of 2022 registered for the

offence under Section 379/411 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and

are in custody since 12.04.2022.

The allegation against the petitioners is to commit

theft and while committing so stolen a mobile of informant,



while it was put on charging at charging point of Muzaffarpur Railway Station.

Learned counsel appearing on behalf of the petitioners submitted that no stolen property was recovered from petitioner no.- 1, and moreover, the alleged recovery was not put on TIP, so as to connect petitioner with present set of occurrence. It is further submitted that the name of petitioner no. 2 surfaced on the basis of disclosure of petitioner no. 1, admittedly from whom nothing incriminating recovered. It is also submitted that seizure list appears disputed as same is not supported by independent witnesses rather by police personnels. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as seizure list appears doubtful being not supported by independent witnesses coupled with the fact that charge-sheet has already been submitted, let the both petitioners, above named, are directed to be released on bail in connection with Muzaffarpur P.S. Case No. 82 of 2022 on furnishing bail bond



of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of R.J.M. Sonpur (Saran)/concerned court, subject to the following conditions:

“(i) That petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners.

(ii) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(iii) That one of the bailors shall be Munni Devi, who is the wife of the petitioner no. 1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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