

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39564 of 2022

Arising Out of PS. Case No.-162 Year-2022 Thana- BELHAR District- Banka

Satyendra Kumar @ Sikandar Kumar, Son of Arun Paswan Resident of Village and P.O.- Hardasbiga, P.S.- Khusarupur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39910 of 2022

Arising Out of PS. Case No.-162 Year-2022 Thana- BELHAR District- Banka

Murari Mohan @ Murari Mohan Panjiyara, Son of Late Sachidanand Panjiyara Resident of Village - Bhawanipur, P.S. - Jagdispur, District – Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39564 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

(In CRIMINAL MISCELLANEOUS No. 39910 of 2022)

For the Petitioner/s : Mr. Harendra Kumar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioners and the learned APP for the State through virtual mode in view of COVID-19.

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 Belhar P.S. Case No.162 of 2022 instituted under Sections 379 and 411 of the Indian Penal Code.



As per the FIR, the informant presently was posted in Parygeen Pvt. Ltd. on the post of Supervisor and his company provide security. On 29.04.2022 at about 11:30 AM ATC informed that without any information of office, unknown persons, are opening the mobile tower situated at Belhar. Informant further alleged that after information, he informed to local police station and also informed to site Engineer and technical staffs of company who was Incharge of the area and further informed about the occurrence. The company people reached the place and found that several people opening the tower and loading it on Truck. Further, the local police on information reached the place and arrested three persons including the two petitioners. Accordingly, the FIR was lodged.

The petitioner, Satyendra Kumar (Cr. Misc. No.39564/2022) is the driver of the truck and according to him the truck was hired to take the dislocated parts of the tower and he did not know that an illegal act is being committed by the accused persons and as such he deserve bail as he do not have any criminal antecedent and is in jail since 30.04.2022.

So far as petitioner Murari Mohan Cr. Misc. No.39910/2022) is concerned, according to him he is a Graduate Engineer working with a different telecom company and was



asked to get the tower dislocated. He too did not realized that the tower does not belong to the company and accordingly came into judicial net despite the fact that he too do not have criminal antecedent. The said petitioner is also in custody since 30.04.2022.

Taking into account the aforesaid fact what has been narrated in the two bail petitions as submitted above, as also that charge sheet not stands submitted, this Court is inclined to grant them privilege of bail. If, however, it is found that any of the two petitioners are having criminal antecedent, the bail order with regard to the said petitioner shall become infructuous.

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 Belhar P.S. Case No.162 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Banka, 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 bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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;

(v) 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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