

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51680 of 2021

Arising Out of PS. Case No.-255 Year-2021 Thana- RAJAOLI District- Nawada

1. Mukesh Kumar Son of Late Kapil Paswan Resident of Village - Tetuwa Tarh, P.S.- Atari, Distt. - Gaya.
2. Sanjit Singh Son of Late Nawal Kishor Singh Resident of Village - Tetuwa Tarh, P.S.- Atari, Distt. - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 50224 of 2021

Arising Out of PS. Case No.-255 Year-2021 Thana- RAJAOLI District- Nawada

Vicky Bharti Son of Ramanand Prasad Resident of Village- Khushhalpur, P.S.- Khizarsarai, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 51680 of 2021)

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

(In CRIMINAL MISCELLANEOUS No. 50224 of 2021)

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-03-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.



Petitioners seek bail in a case registered for the offences punishable under Sections 419, 420, 467, 468, 120(B), 399 and 402 of the Indian Penal Code.

According to prosecution case, on the basis of self statement of Inspector-cum-S.H.O. Darbari Chaudhary posted at Rajauli police station stating therein that on 31.05.2021, he got information that miscreants involved in ten days ago robbery case were roaming on N.H. 31 Rajauli in suspected condition. On have information, informant alongwith police force came on Mahadev Road where he saw that miscreants in 5-6 number wearing army dress were stopping truck crossing through N.H.31. It is stated that on seeing the police, miscreants started fleeing away from the place of occurrence by sitting in the Scorpio. It is stated that informant with the help of police force caught miscreants and started searching from their person and seized mobile, knife and summons/challan papers in the name of Bihar Government Transport Department.

Learned counsel for the petitioners submits that petitioners namely, Mukesh Kumar and Sanjit Singh have clean antecedents and petitioner namely, Vicky Bharti has two criminal antecedents other than the present one. He further submits that they have falsely been implicated in the present



case. He further submits that it appears from the F.I.R. as well as seizure list that one mobile phone has been recovered from the possession of the petitioners. He further submits that except confessional statement of the petitioners nothing has come during the investigation. He further submits that till date no TIP has been conducted by the prosecution and the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly, situated co-accused, namely, Nitish Kumar @ Nitish Raj has been granted bail by a co-ordinate Bench of this Court vide order dated 01.02.2022 passed in Cr. Misc. No. 57507 of 2021. The petitioners are in custody since 01.06.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Rajauli P.S. Case No. 255 of 2021 (G.R. NO. 1837/2021), subject to the following conditions:-

1. Petitioners shall co-operate in the trial



and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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