

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40710 of 2022

Arising Out of PS. Case No.-53 Year-2021 Thana- BIND District- Nalanda

1. Manish Kumar, S/o Late Biresh Prasad R/o village- Pariauna, P.S.-
Noorsarai, District- Nalanda
2. Rakesh Kumar S/o Late Nageshwar Prasad R/o village- Khidarchak, P.S.-
Bhagan Bihga (Rahui), District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-10-2022 Heard learned counsel for the petitioners and the
learned APP for the State.

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 Bind P.S. Case No.53 of 2021 instituted under Sections
395, 412 of the I.P.C.

As per the prosecution story, when the informant was
returning from a marriage and reached near his home, the
accused persons surrounded him and on the point of pistol took



away Rs.10,000/- from him and Rs.8000/- from the shop as also some gold from his house. Further, they also snatched his mobile and motorcycle. He was tied in the room whereafter the accused left the place. Accordingly, the villagers came and rescued him which followed the FIR.

Learned counsel for the petitioners submit that although he has criminal antecedent and as such they are being implicated in one after another in criminal cases. They are innocent so far as the present case is concerned.

On the other hand, the learned APP has opposed the bail and taken this Court to para-3 of the bail application to show that number of criminal cases.

Taking into account the fact that they are in custody since 26.06.2021, charge-sheet stands submitted and ultimately they have to face the Trial, this Court is inclined to grant them privilege of bail after the framing of the charges with conditions.

Let both the petitioners be released on bail after the framing of the charges on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each in connection with Bind P.S. Case No.53 of 2021 to the satisfaction of learned Additional Sessions Judge, IInd, Nalanda at Biharsharif, 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 petitioners shall leave their district (Nalanda) for a period of three month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) 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;

(vi) 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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