

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52581 of 2021

Arising Out of PS. Case No.-315 Year-2021 Thana- ARARIA District- Araria

=====

Anuj Kumar, Son of Mukesh Yadav, Resident of Village- Dhangarah Ward
No. 09, P.S.- Forbesganj (Simraha), District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 59400 of 2021

Arising Out of PS. Case No.-315 Year-2021 Thana- ARARIA District- Araria

=====

Rahul Kumar @ Rahul Kr., S/o Vinod Yadav, R/o village- Manikpur, Ward
No. 11, P.S.- Fulkaha, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 52581 of 2021)

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

(In CRIMINAL MISCELLANEOUS No. 59400 of 2021)

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mrs. Renuka Ratnakar, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

5 22-08-2022 Both the bail applications arise out of the same police

station case, they have been heard together and are being

disposed of by this common order.

Learned counsel for the petitioners is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard learned counsel appearing on behalf of the



petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Araria P.S. Case No. 315 of 2021 registered for the offences punishable under Sections 406, 420/34 of the Indian Penal Code. Later on Sections 395 and 412 of the Indian Penal Code has been added.

The prosecution case is based on a written application filed by the informant alleging therein that on 08.04.2021 when he came to withdraw Rs.10,500/- from Union Bank, ADB Chowk, Araria, he received messages in his mobile about withdrawal of Rs.20,000/- at different times and again withdrawal of 1200/- from his account. It is alleged that the miscreants by exchanging the ATM Card of the informant withdrew the aforesaid amount from his account.

Learned counsel appearing on behalf of the petitioners submits that in fact the F.I.R. has been instituted against unknown persons. However, during the course of investigation, the petitioners, who were arrested in connection with Araria P.S. case no. 441 of 2021, their confessional statements were recorded in the said case and thereafter they have been remanded in the present case on 02.07.2021, on the basis of the said confessional statement. It is next submitted that with regard



to the present crime, no material has come during the course of investigation, but only because of their past criminal antecedent, their names have been implicated in the present crime. It is further submitted that the petitioners have neither been put on TIP nor any incriminating material with regard to the present F.I.R. has been recovered from the person or possession of these petitioners and moreover the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioners have multiple criminal antecedent and in earlier case recovery has been shown to be made from the petitioners.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioners have been remanded in this case from Araria P.S. case no. 441 of 2021 and save and except the confessional statements of the petitioners, there are no other materials against them, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 315 of 2021, subject to the condition that one of the



bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain physically present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

