

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53370 of 2021

Arising Out of PS. Case No.-38 Year-2021 Thana- MUSRIGHRARI District- Samastipur

1. Raja Babu @ Bhonu S/O- Upendra Ray R/V- Gangapur Ward No. -3, P.S.- Musarigharari, District- Samastipur.
2. Sanjeev Kumar S/o- Late Dev Narayan Singh R/V- Fatehpur Ward No. -4, P.S.- Musarigharari, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Adv

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 23-08-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection with Musarigharari P.S. Case No. 38 of 2021 for the offences punishable under Sections 382/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 06.04.2021 at about 5.45 while he was returning on his motorcycle after collecting Rs. 1,11,900/- , in the meantime, three miscreants came on a motorcycle intercepted him and



snatched the bag containing cash of Rs. 1,11,900 and other valuables.

Learned counsel for the petitioner submits that FIR has been instituted against unknown persons, however, during the course of investigation, only on suspicion, their names have been implicated in this case and after apprehending them, their confessional statement was recorded by the police. It is further submitted that the occurrence took place at about 5.45 p.m on 6.04.2021, however, the FIR has been instituted on 07.04.2021 and no explanation for the delay has been assigned. It is next submitted that petitioners have neither been put on TIP nor any incriminating material has been recovered and moreover, one of the co-accused person namely, Rahul Kumar, whose name also transpired during the course of investigation has already been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 55463 of 2021 vide order dated 20.05.2022.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioners have confessed their involvement in the present crime and



are also found involved in one other criminal case.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioners are neither named in the FIR nor any incriminating material has been recovered from person or possession , apart from the fact that they are in custody since 18.05.2021 but till date they have not been put on TIP and co-accused person having similar allegation has already been granted bail, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Samastipur in connection with Musarigharari P.S.Case No. 38 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 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 petitioners and in case at any stage, it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancelling 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.

(Harish Kumar, J)

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