

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53595 of 2021

Arising Out of PS. Case No.-380 Year-2020 Thana- KANKARBAG District- Patna

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1. DIPAK RAM @ DIPAK KUMAR SON OF CHANDRA SHEKHAR SINGH @ SHEKHAR RAM RESIDENT OF LANE NO.-6, CHANDMARI ROAD, P.O. AND P.S.- KANKARBAGH, DISTRICT-PATNA
 2. DIPU KUMAR SON OF CHANDRA SHEKHAR SINGH @ SHEKHAR RAM RESIDENT OF LANE NO.-6, CHANDMARI ROAD, P.O. AND P.S.- KANKARBAGH, DISTRICT-PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chakrapani, Advocate
		Mr. Binoy Kumar Sinha 1, Advocate
For the Opposite Party/s	:	Mr. Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 19-01-2022 Heard Mr. Chakrapani, learned counsel for the petitioners and Mr. Prem Kumar Sinha 1, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Kankarbagh P.S. Case No. 380 of 2020 registered for the offence punishable under Sections 413 and 414/34 of the Indian Penal Code.

This is second attempt for grant of regular bail on behalf of the petitioners inasmuch as earlier the bail



application of the petitioners was rejected by this Court vide order dated 26.03.2021 passed in Cr. Misc. 40253 of 2020.

The prosecution story, as per the First Information Report, is that the Police got secret information that petitioners, who are full brothers, along with other co-accused persons, have kept seven stolen vehicles, out of which, four vehicles are four-wheeler and three are two-wheeler at their residence, proceeded towards the place of occurrence and recovered the aforesaid vehicles from their possession.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case inasmuch as out of seven vehicles allegedly recovered from their possession, the father of the petitioners is the owner of two vehicles of two-wheeler and four vehicles of four-wheeler and he is hire lease purchaser of the vehicles in question. Learned counsel for the petitioners submits that the antecedent which has been mentioned in paragraph-3 of this bail application is not correctly stated inasmuch as the petitioner No. 1 is involved in Kankarbagh P.S. Case No. 333 of 2009 in which, he is on bail, and not in Kankarbagh



P.S. Case No. 158 of 2019. He further submits that petitioner No. 2 has got no criminal antecedent.

Learned counsel for the petitioners further submits that the co-accused Manish Kumar who is brother of the petitioners has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 6296 of 2021. He also submits that charge sheet has already been submitted and the trial is not likely to be concluded in near future due to Covid-19 pandemic. The petitioners are in custody since 2.6.2020.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the co-accused has been granted bail by a co-ordinate Bench of this Court and the petitioners along with their father is the owner of the seized vehicle as disclosed by them, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.25,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of Smt. Madhvi Singh, learned Judicial Magistrate, 1st Class, Patna, in



connection with Kankarbagh P.S. Case No. 380 of 2020 subject to the conditions that the petitioner will be well represented on each date in the trial and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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