

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44859 of 2022

Arising Out of PS. Case No.-35 Year-2021 Thana- PUWAKHALI District- Kishanganj

1. AMAR GOWALA ALIAS AMAR GOYALA SON OF ASHOK GOWALA ALIAS JEEVAN GOWALA R/O VILLAGE- FATA POKHAR, P.S.- RAJGANJ, DISTRICT- JALPAIGURI (W.B.)
2. RATIK GOWALA SON OF RISHI GOWALA R/O VILLAGE- FATA POKHAR, P.S.- RAJGANJ, DISTRICT- JALPAIGURI (W.B.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan
For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Powakhali P.S. Case No. 35 of 2021 registered for the offences punishable under Sections 379 and 34 of the Indian Penal Code.

As per prosecution case, some unknown miscreants took away Rs. 1,00,000/- which was kept in dicky of informant's motorcycle. FIR has been lodged against three unknown persons.

Learned counsel for the petitioners submits that



petitioners are not named in the FIR. Their name have been transpired in the case during the course of investigation on the basis of suspicion and upon self confessional statement of the petitioners. He further submits that petitioners are in custody since 22.04.2022 and both petitioners bear criminal antecedent of ten cases in which they are on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from conscious possession of the petitioners. Petitioners are not apprehended on spot. He further submits that petitioners are quite innocent and falsely implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners keeping in view the criminal antecedent of the petitioners.

Considering the facts and circumstances of the case, period of custody, nothing has been recovered from possession of the petitioners as submitted, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released



on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Kishanganj in connection with Powakhali P.S. Case No. 35 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioners shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioners shall not leave the territorial jurisdiction of the concerned trial court without appropriate



permission of the court concerned.

(vi) However, if petitioners violate any of the conditions, the concerned court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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