

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44765 of 2022

Arising Out of PS. Case No.-40 Year-2022 Thana- TERHAGACHH District- Kishanganj

1. SAKIL @ MD. SAKIL son of Md. Lufar Resident of Village - Bhorha, P.S.- Terhagachh, District - Kishanganj.
2. Haider Son of Safique Alam Resident of Village- Rampur, Ward No. 12, P.S.- Terhagachh, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mrs.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2022 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 Terhagachh P.S. Case No. 40/2022 registered for the offences punishable under Sections 414, 419, 420, 468/34 of the Indian Penal Code.

As per prosecution case, there is alleged recovery of one mobile phone from the possession of petitioner no.1. It is further alleged that one motorcycle and one mobile phone have been recovered from the possession of petitioner no.2.



Learned counsel for the petitioners submits that the petitioners are languishing in custody since 29.05.2022 and bear no criminal antecedent. He further submits that the petitioners neither committed theft nor snatched any motorcycle nor they were involved in stealing of motorcycle or any other article and the petitioners have falsely been implicated in this case due to high handiness of police. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, as submitted and keeping in view clean antecedent of petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Kishanganj in connection with Terhagachh P.S. Case No. 40/2022, 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.

(Alok Kumar Pandey, J)

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