

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45045 of 2022

Arising Out of PS. Case No.-441 Year-2021 Thana- RAJAOLI District- Nawada

SURAJ KUMAR S/o Jagarnath Goswami Resident of village- Lokai Malyai,
P.S. Koderma, District - Koderma (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45478 of 2022

Arising Out of PS. Case No.-441 Year-2021 Thana- RAJAOLI District- Nawada

SUDHIR KUMAR SON OF SUKHDEO SAO R/O WARD NO. -3 LOKAI
KODERMA, P.S.- KODERMA, DIST.- KODERMA (JHARKHAND)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45045 of 2022)

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Ashok Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 45478 of 2022)

For the Petitioner/s : Mr.Lalan Kumar

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-12-2022 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 Rajauli
P.S. Case No. 441 of 2021 registered for the offence punishable



under Section 392 of the Indian Penal Code.

As per prosecution case, the informant along with his brother-in-law was returning from Circle Office, Sirdala, Nawada, in the way two miscreants pointed pistol on them and assaulted them. It is further alleged that the miscreants looted Bajaj Pulsar motorcycle, one Redmi Note 9 Pro mobile, wrist watch and Rs. 3600/- from them.

Learned counsel appearing for the petitioner Suraj Kumar submits that petitioner is not named in the FIR and his name has been surfaced upon the confessional statement of co-accused Guddu Kumar. He further submits that nothing has been recovered from conscious possession of the petitioner and Bajaj Platina motorcycle was recovered from possession of the petitioner which is not the stolen material of the present case. Except confessional statement of co-accused Guddu Kumar, there is nothing on record to connect the present petitioner with the alleged occurrence. Till today no TIP was held. Petitioner is in custody since 06.06.2022 and bears criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

Learned counsel appearing for the petitioner Sudhir Kumar submits that petitioner is not named in the FIR



and his name has been surfaced upon the confessional statement of co-accused Guddu Kumar. He further submits that mobile which was recovered from possession of the petitioner was given by co-accused Shekhar Kumar and he has no knowledge that the said mobile is looted mobile. He further submits that no TIP has been conducted till date. Petitioner is in custody since 05.05.2022 and bears no criminal antecedent. Charge sheet has been submitted in the 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, petitioners are not named in the FIR, 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 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, Nawada in connection with Rajauli P.S. Case No. 441 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.

(Alok Kumar Pandey, J)

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