

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45158 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- GOVINDPUR District- Nawada

1. SHARAWAN KUMAR @ SHARWAN KUMAR Son of Sri Kailash Singh Resident of Village - Dehariya Bigha, P.s.- Bodh Gaya, Distt.- Gaya.
2. Vikrant Manjhi @ Vikrantu Manjhi Son of Rajendra Manjhi Resident of Village - Dehariya Bigha, P.s.- Bodh Gaya, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Anand

For the Opposite Party/s : Ms.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-09-2022 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 Gobindpur P.S. Case No. 63/2022 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per prosecution case, on 02.03.2022 in the evening he closed his shop and proceeded to his house alongwith his father and brother on his motorcycle. When they reached across the river Bhusri, four persons on two motorcycles intercepted. These four persons caught them and snatched golden chain and silver chain from the neck of him and his brother and they also



snatched Rs.45,000/- It is further alleged that they snatched away mobile phones from the informant and his father and his brother. They also took away the motorcycle of the informant. FIR against unknown.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. The petitioners are not named in the FIR. The name of petitioners transpired in this case on the basis of confessional statement of co-accused, Mani Kumar. The petitioners are languishing in custody since 16.04.2022. The petitioner no.1 bears criminal antecedent of one case and petitioner no.2 bears no criminal antecedent. He further submits that no T.I. Parade has been conducted as yet. No incriminating article has been recovered from the conscious possession of the petitioners. He further submits that looted mobile has been recovered from the possession of co-accused, Balram Kumar. 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, petitioners are not named in the FIR, charge



sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence 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 Judicial Magistrate-1st Class, Nawada, in connection with Gobindpur P.S. Case No. 63/2022, 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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