

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46638 of 2022

Arising Out of PS. Case No.-169 Year-2022 Thana- ADAPUR District- East Champaran

1. BHIM KUMAR SAH SON OF RAM EKBAL SAH RESIDENT OF
BALIRAMPUR, P.S.- BALIRAMPUR CHAUKI (BISHRAMPUR),
DISTRICT- KALAIYA BARA, NEPAL
2. RISHI MUNI PASWAN SON OF PARAS PASWAN RESIDENT OF
BALIRAMPUR, P.S.- BALIRAMPUR CHAUKI (BISHRAMPUR),
DISTRICT- KALAIYA BARA, NEPAL

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr. Nand Kishor Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-11-2022 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
Adapur (Nakardei) P.S. Case No. 169 of 2022 registered for the
offences punishable under Sections 379, 413, 414, 34 of the
Indian Penal Code.

As per prosecution case, informant alongwith other
co-villager Dular Chand Yadav was returning from Barat



procession to his village on Apache motorcycle. While he was waiting for co-barati near Batwari Mai Sthan Bhawanipur Market he took a nap on a chabutra. When he woke up he found that his motorcycle was missing. During the course of search he got information that eight miscreants riding on four motorcycles including his stolen motorcycle were coming to Adapur via Raxaul-Adapur canal road. They informed the police and reached Nakardei chowk where he saw two persons were riding on his stolen Apache motorcycle. There were six other miscreants riding on three motorcycles. When informant and others tried to stop miscreants they tried to flee away. They were chased by police and four miscreants including the petitioners were apprehended alongwith three motorcycles and four miscreants alongwith one motorcycle were succeeded in fleeing away.

Learned counsel for the petitioners submits that petitioners are in custody since 07.06.2022. Petitioners bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner No. 2 was going to meet his sister alongwith his friend Petitioner No. 1 on Apache motorcycle and at the relevant time they were taking rest when



the police reached and apprehended the petitioners on suspicion. Petitioners are innocent and have not committed any offence and have become victim of circumstances. Petitioners have been falsely implicated in this case.

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, keeping in view clean antecedent of petitioner, 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 S.D.J.M., Raxaul in connection with Adapur (Nakardei) P.S. Case No. 169 of 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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