

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.59105 of 2021

Arising Out of PS. Case No.-38 Year-2021 Thana- DUMRAO District- Buxar

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1. Manoj Dom, Son of Ashok Dom, Resident of Village- Chhotki Sasaram, P.S.- Gajrajganj, District- Bhojpur.
 2. Lalbabu Dom, Son of Bikhari Dom, Resident of Village- Chhotki Sasaram, P.S.- Gajrajganj, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 11-04-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners sand learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Dumraon P.S. Case No. 38 of 2021 for the offence punishable under Sections 461 and 379 of the Indian Penal Code.

As per prosecution case, it is alleged that on 25.01.2021 when the informant came to his agency, he saw that



the lock of the gate was broken by the Iron rod and articles of his Chambers were in scattered condition. It is further alleged that Rs.5,00,000/- (Five lakh) approximately was stolen after breaking the locker, apart from cheques of some customers, Nikkon Camera, two pieces of gold ring and Rs.26,000/-.

It is submitted on behalf of learned counsel for the petitioners that the F.I.R. has been instituted against unknown persons and the name of these petitioners have come on the confessional statement of co-accused as well as on their own confession. It is further submitted that the petitioners are in custody since 15.06.2021, but till date neither T.I.P. has been conducted nor any recovery has been made from these petitioners. It is next submitted that the investigation has already been concluded and charge-sheet has also been submitted in the present case. It is lastly submitted that other similarly situated co-accused, namely, Bhulan Dom and Manoj Dom @ Langra Dom, have already been granted bail by this Court in Cr. Misc. 57852 of 2021 vide order dated 06.04.2022.

On the other hand, learned APP for the State opposes the prayer for bail of the petitioners and has drawn the attention of this Court towards the antecedents of the petitioners, as mentioned in para. 3 of the bail application. However, learned



counsel for the petitioners, in reply to the aforesaid submission made on behalf of the State, submitted that all three cases mentioned in para -3 of the petition were lodged against unknown persons and the petitioners have been remanded in these cases from Buxar (M) P.S. Case No. 153 of 2021.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioners are not named in the F.I.R. and no recovery has been made from these petitioner and they are in custody since 15.06.2021, apart from the fact that other similarly situated co-accused have already been granted bail, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Dumraon P.S. Case No. 38 of 2021 subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial. (ii) They will remain present on each and every date of trial till disposal of the case. (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the



disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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