

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48415 of 2022

Arising Out of PS. Case No.-138 Year-2021 Thana- GOH District- Aurangabad

1. KUNDAN KUMAR Son of Anil Singh
2. Aman Kumar Son of Shambhu Singh
Both Resident of Village - Shekpura, P.S.- Goh, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-11-2022 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 and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 379,411,34 of IPC.

The prosecution case, in short, is that the allegation against the petitioners is of stealing the fuel from the vehicle of the informant.

Learned counsel for the petitioners submits that petitioners have clean antecedent. They have falsely been



implicated in the present case on the basis of the confessional statement of co-accused persons, namely, Rohit Kumar and Rahul Kumar. Further submits that no incriminating article has been recovered from conscious possession of the petitioners and the petitioners are not the driver nor the owner of the vehicle in question.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

Considering the fact and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Goh P.S. Case No. 138 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient



reason, their bail bonds shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

