

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59154 of 2021

Arising Out of PS. Case No.-206 Year-2021 Thana- DARAUNDA District- Siwan

1. Firoj Shah Son of Kalamuddin Sah Resident of Village - Balbangara, P.S. - Daraunda, Dist. - Siwan.
2. Rustam Sai @ Rustam Sah Son of Molajim Sai Resident of Village - Balbangara, P.S. - Daraunda, Dist. - Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in Virtual Court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Daraunda P.S. Case No. 206 of 2021 registered for the offences punishable under Sections 414, 467, 468, 471, 34 of the Indian Penal Code.

According to prosecution case, during the checking of vehicles the police party saw two persons on motorcycle as coming and upon seeing the police party they tried to flee away



but were caught by the police and on interrogation they disclosed their names as Firoj Sah and Rustam Sai. There is recovery of one white colour Apache motorcycle.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence and they have falsely been implicated in the present case. He further submits that as per F.I.R. allegation against the petitioners is that they have stolen the motorcycle. He further submits that the motorcycle in question does not belong to the petitioners and nothing has been recovered from conscious possession of the petitioner. The petitioners are in custody since 23.07.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail, submitting that petitioners carries two criminal antecedents.

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 the learned Judicial Magistrate, 1st Class, Siwan in connection with Daraunda P.S. Case No. 206 of 2021, subject to the 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 bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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 antecedent, 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)

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