

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.50271 of 2022**

Arising Out of PS. Case No.-81 Year-2022 Thana- CHANDI District- Nalanda

1. Ashwani Kumar @ Suraj Kumar Son of Sanjit paswan Resident of Village - Noorsarai (Teja Bigha), P.S.- Noorsarai, District - Nalanda.
2. Bipin Kumar Son of Chhote Tanti Resident of Village - Noorsarai (Teja Bigha), P.S.- Noorsarai, District - Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party : Ms. Pronoti Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 23-12-2022 Learned counsel for the petitioners shall remove all the defects as pointed out by office by 16th January, 2023.

Heard learned counsel for the petitioners and Ms. Pronoti Singh, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Chandi P.S. Case No. 81 of 2022 registered for the offences punishable under Section 394 of the Indian Penal Code. They are in custody since 24.03.2022. The petitioners have got no criminal antecedent.

Learned counsel for the petitioners submits that as per the prosecution story, on 03.03.2022 at about 03:30 P.M., when the informant was going to his village, on his way four persons stopped him and snatched his mobile and Rs.10,000/- from his



pocket.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Learned counsel submits that there is no recovery from the possession of the petitioners and till date, no test identification parade has been conducted. It is submitted that the petitioners are in custody since 24.03.2022 having no criminal antecedent.

Ms. Pronoti Singh, learned APP for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is submitted that the petitioners are not named in the first information report, nothing has been recovered from their conscious possession or from their house and they are in custody since 24.03.2022, till date they have not been put on test identification parade and the seizure list does not show recovery from their possession, investigation is complete, there being no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, this Court directs that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with



two sureties of the like amount each to the satisfaction of learned A.C.J.M, Hilsa (Nalanda) in connection with Chandi P.S. Case No. 81 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

The application stands allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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