

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61541 of 2021

Arising Out of PS. Case No.-126 Year-2021 Thana- SABAUR District- Bhagalpur

1. DEEPAK KUMAR @ DEEPAK KUMAR NIRALA Son of Late Sikandar Sah
2. Hemkant Kumar Son of Indradev Sah
Both are Resident of Village - Arya Tola, Sabour, P.S.- Sabour, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda, Adv
For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned APP for the State in virtual Court proceeding.

Petitioners seek bail in a case registered for the offences punishable under Sections 379, 414 and 34 of the Indian Penal Code.

On search, half HP Motor Pump was recovered from the side of the house of the petitioners.

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



been implicated in the present case. He further submits that as per FIR nothing incriminating article has been recovered from possession of the petitioners rather the informant himself produced the same stolen articles before the police. He further submits that co-accused, namely, Suraj Sah and Md. Helal have already been granted bail by this Court vide order dated 20.12.2021 and 10.01.2022 in Cr. Misc. No.49660 of 2021 and Cr. Misc. No. 53601 of 2021 respectively. He further submits that co-accused, namely, Mangal Kumar has been granted privilege of anticipatory bail vide order dated 18.02.2022 by a Coordinate Bench of this Hon'ble Court in Cr. Misc. No. 54084 of 2021 and the petitioners are in custody since 11.05.2021.

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

Considering the facts and circumstances of the case, 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 learned Court below where the case is pending in connection with Sabaur Police Station Case No.126 of 2021, with 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 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)

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