

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61873 of 2021

Arising Out of PS. Case No.-74 Year-2021 Thana- BHAIKAVSHTHAN District- Madhubani

1. Md. Hasnain S/O Md. Kasim R/O Village-Vijay Salimpur, P.S-Bhairavsthan, District- Madhubani.
2. Md. Abdullah S/O Md. Sabir Bhoular P.S-Madhubani Town, District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Thakur, Adv
For the Opposite Party/s : Mr.Rajendra Nath Jha, 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 399,402,414 of the Indian Penal Code.

The prosecution case, in short, is that during patrolling, a driver with pick-up van complained of attempt of looting by the petitioners, who were driving Scorpio bearing Delhi registration number, without having any valid RC



document.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the seizure list that nothing has been recovered from possession of the petitioners in fact only Scropio has been recovered and the petitioner No.1 is owner of the said vehicle in question and police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 25.06.2021.

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 Bhairavsthan Police Station Case No.74 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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