

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53042 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- BELCHHI District- Patna

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1. TUSANI PASWAN @ JITENDRA PASWAN SON OF JAGDISH PRASAD
R/O - BICHALI HURARI, P.S.- KARAY PARSURAI, DIST.- NALANDA
 2. SANTOSH KUMAR SAO SON OF AJAD PRASAD R/O VILLAGE-
RAMMURTI NAGAR, P.S.- HILSA, DIST.- NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with
Belchhi P.S. Case No. 85 of 2021 registered for the offences
punishable under Sections 461 and 379 of the I.P.C.

As per prosecution case, 48 pieces batteries of
Airtel Tower were stolen by unknown person by breaking the
gate.

Learned counsel for the petitioners submits that
petitioners are in custody since 23.05.2022 and 04.06.2022.



Petitioners bear two criminal antecedents in which they are on bail and both the cases have been lodged against unknown. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioners are not named in the F.I.R. Name of present petitioners have come in this case during the course of investigation when the petitioners were remanded in Mokama P.S. Case No. 67 of 2022. Nothing has been recovered from the conscious possession of the petitioners. No offence under Section 461 and 379 of the I.P.C. is made out against the petitioners. Petitioners are innocent and have falsely been implicated in the present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, nothing has been recovered from the conscious possession of the petitioners, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each of them to the satisfaction of learned S.D.J.M., Barh (Patna) in connection with Belchhi P.S. Case No. 85 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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