

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63608 of 2021

Arising Out of PS. Case No.-408 Year-2019 Thana- BETTIAH CITY District- West
Champaran

-
1. MD. FARMAN Son of Murtuza Mir Resident of Mir Toli Chowk, P.S. - Sugauli, District - East Champaran
 2. Md. Arman Son of Murtuza Mir Resident of Mir Toli Chowk, P.S. - Sugauli, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjana Srivastava

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

7 20-09-2022 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 Bettiah Town P.S. Case No. 408 of 2019, corresponding to G.R. No. 2038 of 2019 registered for the offences punishable under Sections 412, 414, 34 of the Indian Penal Code read with Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, there is alleged recovery of one mobile from the pocket of petitioner no. 1 and one country made katta from the waist of petitioner no. 2.



Learned counsel for the petitioners submits that petitioners are in custody since 29.05.2019. Petitioners bear one criminal antecedent. 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 nothing incriminating has been recovered from the possession of the petitioner. Petitioners have falsely been implicated in this case by police on the instance of his enemies due to local dirty politics. The allegation against the petitioners is false and concocted

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 is more than three years, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 408 of 2019, 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 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)

amitkr/-

U		T	
---	--	---	--

