

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63929 of 2021

Arising Out of PS. Case No.-62 Year-2021 Thana- CHAPRA RAIL P.S. District- Saran

1. RAKESH KUMAR Son of Late Birendra Prasad Resident of Village - Mauna Sandha, Masjid Ke Samne Hata, P.S.- Chapra Town, Distt.- Saran at Chapra (Bihar)
2. Ritesh Kumar Son of Kameshwar Rai Resident of Village - Madhopur, P.S.- Marhourah, Distt.- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Adv
For the Opposite Party/s : Mr.Pramod Kumar Pandey,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-04-2022 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.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner, which is kept on record.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Section 414 of the Indian Penal Code.

The prosecution case, in short, is that the petitioners



were apprehended by the police and huge quantity of silver ornaments 14.800 Kg and 13.700 Kg Total 28.500 Kg were recovered and seized from their possession regarding which they could not produce any paper to the police

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 the recovered article is purchased on behalf of the owner of the shop and the owner of the shop has given an application before the learned Railway Judicial Magistrate, Sonapur on 03.07.2021 stating therein that the recovered article has been purchased from Mathura and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 02.07.2021.

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 Chapra Rail Police Station Case No.62 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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