

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63843 of 2021

Arising Out of PS. Case No.-309 Year-2020 Thana- DHURAIYA District- Banka

1. VINOD KR. YADAV Son of Shravan Yadav Resident of Village- Nayatola, Jurabganj, P.S.- Korha, District- Katihar.
2. Munna Gwala Son of Sharma Gwala Resident of Village- Phota Pokhar, P.S.- Rajganj, District- Jalpaiguri, West Bengal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 09-05-2022 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners seek regular bail in connection with Dhoraiya P.S. Case No. 309 of 2020, for the offence punishable under Section 392 of the Indian Penal Code.

As per allegation made in the F.I.R. is that two miscreants riding on a motorcycle came near the vehicle of the informant and snatched away the bag containing Rs. 1,49,000/- from the informant.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. He further submits that petitioners are not named in the F.I.R. in course of investigation, the name of petitioners



roped in the present case on the basis of their confessional statement recorded before the Police, which has no evidentiary value. He further submits that neither any any incriminating article has been recovered from the possession of the petitioners nor they have been put on T.I.P. till date. The petitioners are in custody since 23.12.2020.

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

Considering the aforementioned facts and circumstances of the case, taking into consideration the period of custody undergone by the petitioners, without going into the merits of the case, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Banka in connection with Dhoraiya P.S. Case No. 309 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps



to cancel their bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(6) The petitioners will make their attendance before the concerned Police Station under which their house is located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioners, their bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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