

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65332 of 2021

Arising Out of PS. Case No.-221 Year-2021 Thana- HARLAKHI District- Madhubani

1. MD. RAHMAT Son of Md. Tahir Resident of Village- Sonai, P.S.- Khirhar, District- Madhubani.
2. Md. Gulsan Son of Md. Budhan Resident of Village- Sonai, P.S.- Khirhar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Bhupendra Narayan Singh
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 30-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Harlakhi
P.S. Case No. 221/2021 corresponding to G.R. No.586/2021
registered for the offences punishable under Section 379 of the
Indian Penal Code.

As per prosecution case, the informant had parked his
motorcycle near the Idgah after some time the said motorcycle
was stolen by unknown thieves.

Learned counsel for the petitioners submits that
petitioners are innocent and have falsely been implicated in this
case merely on suspicion. The petitioners are not named in the



FIR. During course of investigation the name of petitioners have surfaced in this case on the basis of their confessional statement of the petitioners. No incriminating article has been recovered from the possession of the petitioners. Learned counsel for the petitioners further submits that seizure list has not been prepared as per law. The petitioners are languishing in custody since 26.08.2021 and bear no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Benipatti, Distt.-Madhubani in connection with Harlakhi P.S. Case No. 221/2021 corresponding to G.R. No.586/2021, 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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