

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56897 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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1. Rupa Kumari Wife Of Trilok Kumar Resident Of Mohalla- Miskat, Ward No.- 8, P.S.- Town Motihari, District- East Champaran
 2. Punam Devi Wife Of Alok Kumar Resident Of Mohalla- Miskat, Ward No.- 8, P.S.- Town Motihari, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-12-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 409, 120B,
506 and 34 of Indian Penal Code.

According to prosecution case, in brief, is that
informant lodged a written report addressed to Office in Charge
of Nagar Police Station, Motihar stating therein that he is
goldsmith and running a shop. On 01.02.2022 at about 12
o'clock he gave 1800 gram of Gold jewellery for polish and



repairing to one Trilok Kumar who assured that he will returned within two hours. After two hours, the informant through his staff called him upon which he replied that within half an hour he is coming. When he did not come within half an hour, again call was made to him upon which he replied that he is coming within 10 minutes, but he didn't come. However, after making several call, he stopped picking up the call at 5 P.M. Thereafter, the informant sent his staff Golu Kumar to his shop where he was not present. Thereafter, his staff went to his house where he was present. The said Staff then asked for articles upon which he replied that the articles have been snatched. The staff then saw the bag in which articles were given, lying in the house. In the meanwhile, Trilok's brother Alok and his mother, Mami and wife came there and started making excuses and threatened the staff.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from allegation as alleged in the F.I.R. that the informant has given 1800 gram of Gold jewellery to the co-accused namely, Trilok Kumar for repairing and polishing. He further submits that there is no specific allegation of any accusation against the



petitioners and petitioners have falsely implicated in the present case on the ground that they are family members of the co-accused Trilok Kumar. He further submits that the petitioner no.1 is wife and petitioner no.2 is sister-in-law of the co-accused person namely, Trilok Kumar.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Town(Nagar) P.S. Case No. 74 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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 bond 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.

3. 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 antecedent, 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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