

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69022 of 2021

Arising Out of PS. Case No.-481 Year-2019 Thana- BAGHA District- West Champaran

1. SAIMUDEEN @ SHANKAR SINGH @ RAHUL S/o Late Najee Miya R/o village- Siswa Bazar, P.S.- Kathibhar, District- Maharajganj (U.P.)
2. MANOJ SHARMA S/o Chabilal Sharma Resident of Siktouti Mahiram, P.S.- Chilua, District- Gorakhpur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
Mr. Krishna Kant Pandey, Advocate
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-09-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Bagaha (Patkhouli) P.S. Case No. 481 of 2019 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, two miscreants looted Rs. 8,88,000/- from the informant at gun point. Later on, the name of the petitioners transpired as the accused persons, who were involved in the alleged loot.



Learned counsel appearing on behalf of the petitioners submits that the petitioners have been falsely implicated in this case. The petitioners were not apprehended from the spot and nothing incriminating has been recovered from their conscious possession. They have been named in this case only on the basis of suspicion and on confessional statement of co-accused. The charge sheet has been submitted in this case and the petitioners are in custody since 19.07.2021.

Learned APP opposes the prayer for bail submitting that the petitioners are habitual offenders and have been named as accused in a number of cases.

Having regard to the facts and circumstances of the case and the submission made hereinabove and further considering the fact that there was no recovery from petitioners or at their instance and also considering the submission of charge sheet and the period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M-1st, Bagaha, West Champaran in connection with Bagaha (Patkhoul) P.S. Case No. 481 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:



- (i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioners.
- (iii) The petitioners will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

However, apart from the criminal antecedent mentioned in the bail petition wherein altogether eighteen cases have been mentioned, if it comes to the knowledge of the learned court below that the petitioners are accused in other cases also and criminal antecedent has been concealed, steps will be taken for cancellation of bail bond of the petitioners.

(Arun Kumar Jha, J)

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