

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59879 of 2022

Arising Out of PS. Case No.-910 Year-2021 Thana- MADHEPURA District- Madhepura

1. Kamal Kishore Yadav S/O Late Sonelal Yadav, Resident of Village- Godhiyari, Ward No- 4, P.S. And District- Madhepura
2. Sintu Kumar @ Naha @ Nanha S/O Kamal Kishore Yadav, Resident of Village- Godhiyari, Ward No- 4, P.S. And District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-12-2022 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 Section 414 of the
Indian Penal Code.

According to prosecution case, as per F.I.R. on secret
information, when the Madhepura police raided the house of
petitioners, on seeing the police, three persons attempted to flee
away from the house but one of persons caught hold by the
police and two persons managed to escape from there. On query,



the apprehended person disclosed his name as Laltu Kumar and he also disclosed the name of that persons, who managed to escape as his father and brother, namely, Kamal Kishore Yadav and Sintu alias Nanha (petitioners). Thereafter, the house of apprehended person was searched by the police in presence of independent witnesses and it was recovered 40 liters of oil of electricity transformer.

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 the F.I.R. that the allegation as alleged in the F.I.R. is that 40 liters of Oil of electricity transformer recovered from the cow shed of the petitioners. He further submits that the nothing has been recovered from the conscious possession of the petitioners and petitioners have no concern at all with the alleged recovery of transformer oil. He further submits that similarly situated, co-accused, namely, Laltu Kumar who is son of the petitioner was apprehended at the spot has been granted bail before Court below vide order dated 10.01.2022 passed in B.P. No. 1272 of 2021.

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



Considering the aforesaid facts and circumstances, petitioners have clean antecedent and nothing has been recovered from the conscious possession of the petitioners, 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 Madhepura P.S. Case No. 910 of 2021, 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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