

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7904 of 2022

Arising Out of PS. Case No.-113 Year-2021 Thana- DERNI BAZAR District- Saran

Rahul Kumar @ Rahul Mahto, Son of Binod Mahato, Resident of Village-
Tarwa Magarpal, P.S.- Dariyapur, District- Saran (Chapra), Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62255 of 2022

Arising Out of PS. Case No.-113 Year-2021 Thana- DERNI BAZAR District- Saran

Anil Kumar, S/o Badari Sah, R/v- Barbetta, P.S.- Sonpur, District- Saran at
Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 7904 of 2022)

For the Petitioner/s : Mr.Vasant Vikas, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 62255 of 2022)

For the Petitioner/s : Mr.Atul Shankar, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-12-2022 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.

In the present case, the petitioners seek bail in
connection with Derni P.S. Case No. 113 of 2021 registered for



the alleged offences under Sections 457 and 380 of the Indian Penal Code.

As per prosecution case, some unknown thieves entered into the house of informant and others and stole away a large number of jewellery of silver and gold and cash of Rs. 2,15,000/- and a mobile phone. The names of the petitioners transpired during investigation as the accused persons who committed this theft.

Learned counsels for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of these petitioners. The petitioners have been named in this case on the basis of confessional statement of co-accused Jyotish Kumar. This co-accused has been granted bail vide order dated 03.08.2022 passed in Cr. Misc. No. 15147 of 2022 by this Court. After arrest of the petitioners, they have been made accused in altogether twelve cases of similar nature. Otherwise, there is nothing of any substance on record against the petitioners in this case. The petitioners are in custody since 01.08.2021 and the charge-sheet has been filed in the case.

Learned APP opposes the submission made on behalf of the petitioners submitting that the petitioners are habitual



offenders and they are accused in a number of cases.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioners along with the submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Derni P.S. Case No. 113 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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