

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.176 of 2022

Arising Out of PS. Case No.-223 Year-2021 Thana- TARIYANI CHOWK District- Sheohar

1. Jhalak Sah Son of Ram Balak Sah, Resident of Village- Sharif Nagar Tola Marhala, P.S- Tariyani, District- Sheohar
2. Fuldeo Sah Son of Ram Balak Sah, Resident of Village- Sharif Nagar Tola Marhala, P.S- Tariyani, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Advocate
Ms. Shrishti Singh, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-07-2022 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.

Petitioners seek bail in a case registered for the offences punishable under Sections 413, 414/34, 120(B) of the Indian Penal Code.

According to prosecution case, the present F.I.R. has been registered on the basis of self-statement of the Inspector Sabhakant Paswan (SHO, Tariyani police station). On 25.09.2021 information was received that at the scrap shop of Jhalak Sah, he along with his accomplice were dismantling a stolen truck. The informant also stated that Jhalak Sah, Awadhesh Sah and Mukesh Sah regularly deal in stolen vehicles



at this scrap shop. Accordingly, a team of police officials proceeded towards the scrap shop. At around 3:15 p.m., on reaching near the scrap shop it was seen that around 6 to 7 persons were dismantling a truck with a gas cutter, and one woman was seen as separating the parts of the truck being dismantled. On seeing the police, the persons tried to flee away. However, three F.I.R. named accused persons were apprehended and the remaining three persons, identified by the apprehended persons, managed to flee. Jhalak Sah and Fuldeo Sah were cutting the cabin of the truck. On further investigation it was found that the stolen truck belonged to one Smt. Reena Devi, who had registered an F.I.R. bearing Vaishali P.S. Case No. 369 of 2021 on 24.09.2021.

Learned counsel for the petitioners submits that are innocent and they have falsely been implicated in the present case. He further submits that for the same occurrence two F.I.R. were instituted one the present case Tariyani P.S. Case No. 223 of 2021 and another is Vaishali P.S. Case No. 369 of 2021. He further submits that in fact the petitioners have no knowledge about the Vaishali P.S. Case No. 369 of 2021 and only after filing the charge sheet on 31.01.2022, than the petitioners have come to know about the Vaishali P.S. Case No. 369 of 2021. He



further submits that there is allegation against the petitioners and other co-accused person is dismantling the truck in question and they are dealing with the stolen property. He further submits that it appears from the seizure list that one truck in question has been recovered from the place of occurrence. He further submits that in fact the petitioners have not concern at all with the alleged occurrence and only on the basis of suspicion the name of the petitioners have been dragged in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused, namely, Gangiya Devi has been granted bail by this Court vide order dated 26.04.2022 passed in Cr. Misc. No. 66867 of 2021. The petitioners are in custody since 26.09.2021.

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, be released on 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 Tariyani P.S. Case No. 223 of 2021, subject to 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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