

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2396 of 2023

Arising Out of PS. Case No.-428 Year-2022 Thana- SIKARPUR District- West Champaran

SAHIL KUMAR GUPTA @ SAHIL KUMAR S/O SRI HARENDRA SAH
R/V- AMOLWA, P.S.- GAUNAHA, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 5458 of 2023

Arising Out of PS. Case No.-428 Year-2022 Thana- SIKARPUR District- West Champaran

MITHUN KUMAR S/O SRI LALAN SAH R/v- Bajra, P.S.- Sahodara,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 2396 of 2023)

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

For the Opposite Party/s : Mr. Md. Matloob Rab, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 5458 of 2023)

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
10.11.2022 and 10.10.2022 in connection with Shikarpur P.S.
Case No. 428 of 2022, F.I.R. dated 24.05.2022 for the offences
punishable under Sections 457 and 380 of the Indian Penal



Code.

According to prosecution case, in brief, is that on 24.05.2022 the informant Yogendra Mishra submitted his written report before S.H.O. of Shikhsarpur police station alleging therein that a long stair made of bamboo was kept with the wall of the house to facilitate the painting of the house. On 23.04.2022 at about 07.30 a.m., his daughter and son-in-law came to his house from Lucknow, and as usual, his daughter kept her purse containing money on the wooden box. In the morning, his daughter-in-law went upstairs to take cloths, and found the purse and nose-ring missing, and then it transpired that theft had been committed in the house. On search, ornaments worth over Rs.10 lacs, the purse containing Rs.3-4 thousand and an old mobile containing SIM No. 6387436612 were found to have stolen away.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that petitioners are not named in the F.I.R. and the names of the petitioners have been transpired on the basis of confessional statement of co-accused namely, Jahir Ansari and it appears from the impugned order that some looted articles have been recovered from the



possession of these petitioners but till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 10.11.2022 and 10.10.2022 respectively.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries three criminal antecedents other than the present one.

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 Chief Judicial Magistrate, West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 428 of 2022, 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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