

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4188 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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1. Rahul Kumar Malakar S/O Late Bijay Malakar R/V- Mahanandpur, P.S.-
Sheikhpur-Sarai, District- Samastipur
 2. Gautam Kumar Malakar S/O Late Bijay Malakar R/V- Mahanandpur, P.S.-
Sheikhpur-Sarai, District- Samastipur
 3. Bindu Kumar Malakar S/O Late Bijay Malakar R/V- Mahanandpur, P.S.-
Sheikhpur-Sarai, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail who are in custody since
14.11.2022 in connection with Sheikhopur-Sarai P.S. Case No.
183 of 2022, F.I.R. dated 13.11.2022 for the offences punishable
under Sections 406, 419, 420, 467, 468, 471, 120B/34 of the
Indian Penal Code.

According to prosecution case, the informant received
secret information that 5-6 persons including the petitioners are
assembled to cheat innocent people. It is further alleged that 3



persons were arrested and during search lots of incriminating articles have been recovered from them including bank passbooks, ATM cards etc.

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 all the recovered articles which are recovered from the possession of the petitioners belong to the petitioners and not a single person has come forward to lodge the F.I.R. against the petitioners. He further submits that in the present case the informant is the police officer and no material has come during investigation to suggest the involvement of the petitioners in the present occurrence. He further submits that there is non-compliance of Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 14.11.2022.

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 Chief



Judicial Magistrate, Sheikhpura in connection with Sheikhpur-Sarai P.S. Case No. 183 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 thier absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tampers 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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