

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56083 of 2022

Arising Out of PS. Case No.-317 Year-2022 Thana- GARDANIBAG District- Patna

ADITYA KUMAR @ KALLU son of Raj Kishore Chaudhary Resident of
Village- Jahidpur, Police Station- Punpun, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 4321 of 2023

Arising Out of PS. Case No.-317 Year-2022 Thana- GARDANIBAG District- Patna

Dilip Kumar Son Of Suresh Saw @ Suresh Soni R/O Mohalla- Rajapul,
Indira Nagar, P.S.- S.K. Puri, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 6725 of 2023

Arising Out of PS. Case No.-317 Year-2022 Thana- GARDANIBAG District- Patna

Kundan Kumar Son Of Kailash Chandrabanshi @ Kailash Ram @ Kailash
Prasad R/O Village- Rjapur Anandpuri, P.S.- Krishnapuri, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56083 of 2022)

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

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

(In CRIMINAL MISCELLANEOUS No. 4321 of 2023)

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Mrs. Asha Devi, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 6725 of 2023)

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA



ORAL ORDER

3 08-05-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 12.07.2022 in connection with Gardanibagh P.S. Case No. 317 of 2022, F.I.R. dated 03.06.2022 for the offences punishable under Section 395 of the Indian Penal Code.

According to prosecution case, in brief, is that the informant namely, Raghunath Prasad has alleged that on 03.06.2022 at about 1:00 P.M. five criminals on two motorcycles entered his jewelery shop (Mahalaxmi Jewellers) with arms and started warning to kill him and took five boxes of gold and silver, Nosal pin (nak-besar) of silver, some old articles of repaired. On alarm the accused persons started to flee away and the aforesaid five boxes fell down on the road from the possession of the accused and the same were recovered by the informant. It is further alleged that accused persons left a black colour Honda Shine motorcycle also on the road.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. and the name of these petitioners have been transpired during investigation on the basis of confessional



statement of co-accused person and self confessional statement of these petitioners. He further submits that nothing has been recovered from the conscious possession or the house of the petitioners except the seven silver coins was recovered from the conscious possession of petitioner namely, Aditya Kumar @ Kallu and till date no TIP has been conducted by the prosecution with respect to recovered article. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 12.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries one criminal antecedent 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, Patna in connection with Gardanibagh P.S. Case No. 317 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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