

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10684 of 2023

Arising Out of PS. Case No.-184 Year-2022 Thana- BARHIYA District- Lakhisarai

1. Suraj Kumar S/O Ranjeet Prasad Singh R/v- Aunta, P.S.- Hathidah, district- Patna
2. Raj Kumar S/O Madhusudan Singh R/v- Shayarbigha, P.S.- Birupur, District- Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 13432 of 2023

Arising Out of PS. Case No.-184 Year-2022 Thana- BARHIYA District- Lakhisarai

Mithlesh Ram @ Polu S/O Late Umesh Ram R/v- Aunta Ward No. 12, P.S.- Hathidah, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 10684 of 2023)

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Ms. Rina Sinha

(In CRIMINAL MISCELLANEOUS No. 13432 of 2023)

For the Petitioner/s : Mr. Kumar Manglam

For the Opposite Party/s : Mr. Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 29-05-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with

Barahiya P. S. Case No. 184 of 2022, registered for the

offence punishable under Section 392 of the Indian Penal



Code.

The prosecution case as emerges from the FIR is that when the informant was carrying goods on his vehicle, petitioner and his associates overtook his vehicle and took him towards Sheikhpura and dropped him in the way. Thereafter, the informant gave information to his owner and the Barahiya Police Station. Subsequently, the police recovered the said vehicle from Andauli More and found missing altogether 32 articles.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners are not named in the F.I.R. nor they were arrested on the spot and their name transpire in the confessional statement of one of the co-accused, Raushan Kumar. He also submits that one of the co-accused, Gopal Ram has already been enlarged on bail by a co-ordinate Bench of this Court *vide* order dated 27.03.2023, passed in Cr. Misc. No. 66875 of 2023. He further submits that investigation in this case is complete and charge-sheet has already been submitted.



He further submits that the petitioners, namely, Suraj Kumar and Raj Kumar have been languishing in jail since 26.08.2022, whereas, petitioner, namely, Mithlesh Ram @ Polu has been languishing in jail since 28.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners, namely, Suraj Kumar and Raj Kumar have no criminal antecedents, whereas the petitioner, namely, Mithlesh Ram @ Polu has three criminal antecedents and in all these cases he is on bail.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Lakhisarai, in connection with



Barahiya P. S. Case No. 184 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

skm/-

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