

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10135 of 2023

Arising Out of PS. Case No.-320 Year-2022 Thana- CHAKIA District- East Champaran

1. Sonu Kumar S/O Shivnath Sah R/v- Chakaniya, P.S.- Pipra, District- East Champaran
2. Raju Kumar S/O Vijay Prasad R/v- Chakaniya, P.S.- Pipra, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2023 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
18.10.2022 in connection with Chakia P.S. Case No. 320 of
2022, F.I.R. dated 24.07.2022 for the offences punishable under
Sections 341, 323, 382/34 of the Indian Penal Code.

According to prosecution case, some unknown
miscreants intercepted the informant while he was returning
from his shop and assaulted him and also snatched his
motorcycle.

Learned counsel for the petitioners submits that



petitioners 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 the petitioners have been transpired during investigation. He further submits that the statement of the petitioners are recorded in Kalyanpur P.S. Case No. 242 of 2022 and thereafter, the petitioners are remanded in the present case. He further submits that it appears from the F.I.R. that two motorcycles have been recovered from the possession of the petitioners and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 18.10.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries 2 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 Judicial Magistrate 1st Class, Motihari, East Champaran in connection with Chakia P.S. Case No. 320 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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