

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10195 of 2023

Arising Out of PS. Case No.-356 Year-2022 Thana- HASPURA District- Aurangabad

Mantu Kumar Son Of Vijay Singh @ Vidyanand Singh R/O Village- Malhara,
P.S.- Haspura, District- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 13779 of 2023

Arising Out of PS. Case No.-356 Year-2022 Thana- HASPURA District- Aurangabad

Chhotu Kumar @ Chhotu Singh S/O Indrajeet Singh R/v- Haspura, P.S.-
Haspura, District- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 10195 of 2023)

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

For the Opposite Party/s : Mr. Kalyan Shankar, APP

(In CRIMINAL MISCELLANEOUS No. 13779 of 2023)

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2023 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 where petitioner, namely, Mantu



Kumar is in custody since 30.11.2022 and petitioner, namely, Chhotu Kumar @ Chhotu Singh is in custody since 09.12.2022 in connection with Haspura P.S. Case No. 356 of 2022, F.I.R. dated 30.11.2022 for the offences punishable under Sections 411, 413 and 414 of the Indian Penal Code.

According to prosecution case, all the accused persons including the petitioners are involved in illegal trade of stealing and selling 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 on the basis of the confessional statement of the co-accused person, namely, Bakhora Sah and on the basis of the confessional statement of the co-accused person, one motorcycle has been recovered from the possession of the co-accused Bakhora Sah and one motorcycle has been recovered from the house of the co-accused person, namely, Mantu Kumar. In respect to petitioner, Chhotu Kumar @ Chhotu Singh, he submits that nothing has been recovered from the conscious possession of the petitioner and except the confessional statement of the co-accused person, no cogent material has



come during investigation to suggest the involvement of the petitioners in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioner, namely, Mantu Kumar is in custody since 30.11.2022 and petitioner, namely, Chhotu Kumar @ Chhotu Singh is in custody since 09.12.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries one 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 Sub Divisional Judicial Magistrate, Daudnagar, District- Aurangabad in connection with Haspura P.S. Case No. 356 of 2022, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. If the petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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