

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2533 of 2023

Arising Out of PS. Case No.-411 Year-2022 Thana- PHULPARAS District- Madhubani

Pitambar Kumar Yadav Son of Chandeshwar Prasad Yadav R/v- Siswa Barhi,
P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22191 of 2023

Arising Out of PS. Case No.-411 Year-2022 Thana- PHULPARAS District- Madhubani

Dev Krishna Kumar @ Rudal Yadav @ Dev Krishna Kumar Yadav Son of
Bechan Yadav R/v- Siswa Barahi, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 2533 of 2023)

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

(In CRIMINAL MISCELLANEOUS No. 22191 of 2023)

For the Petitioner/s : Ms. Shruti Sinha, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Since both the applications are arising out the same

P.S. Case and, as such, with consent of the parties, they are

being heard together and disposed off by a common order.

The petitioners seek regular bail, who are in custody

in connection with Phulparas P.S. Case No. 411 of 2022

registered for the offences punishable under Sections 413 and



414 of the Indian Penal Code and Sections 25(1-b)a/ 26 and 35 of the Arms Act.

The prosecution case, in brief, is that the police on a secret information with regard to the involvement of the accused persons in theft and loot of motorcycle conducted raid and during the course of raid, one country made pistol with live cartridge each were recovered from both the petitioners. The further case of the prosecution is that on the disclosure made by the accused persons, raid was conducted at the house of one Pappu Kumar Yadav and from whose possession, a stolen motorcycle was also recovered.

Submissions have been made on behalf of the petitioners that only on account of previous antecedent of the petitioners, their names have been implicated in the present case though no incriminating material has been recovered from their person or possession. However, only in order to implicate, recovery of one country made pistol with live cartridge each have been shown from both the petitioners. He further submitted that the person from whose possession the stolen motorcycle was recovered, has been allowed the privilege of bail by a learned Co-ordinate Bench of this Court vide order dated 28.02.2023 passed in Cr. Misc. No. 70824 of 2022. He next



submitted that both the petitioners are in custody since 29.08.2022 and the investigation of the crime is already complete and the charge-sheet has been submitted. The petitioners are ready to give undertaking that they will fully cooperate in the trial.

On the other hand, learned counsel for the State opposed the bail application and submitted that the antecedent of the petitioners and recovery from their possession show their complicity in the present crime.

Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that the investigation of the crime is complete and the charge-sheet has already been submitted, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 411 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.



(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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