

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.440 of 2022

Arising Out of PS. Case No.-95 Year-2021 Thana- VIDYAPATINAGAR District- Samastipur

Punit Kumar S/o Rajeev Sah R/o Village- Mohiuddinagar Lal Kothi, P.S.-
Mohiuddinagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19924 of 2022

Arising Out of PS. Case No.-95 Year-2021 Thana- VIDYAPATINAGAR District- Samastipur

Prince Kumar Son Of Sujit Kumar Gupta R/O Village And P.S.- Mohinddin
Nagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 440 of 2022)

For the Petitioner/s : Mr. Rina Sinha

For the Opposite Party/s : Mr. Veena Rani Prasad

(In CRIMINAL MISCELLANEOUS No. 19924 of 2022)

For the Petitioner/s : Mr. Rakesh Kumar Ranjan

For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 02-01-2023 Heard Ld. counsel for the petitioners and learned

APP for the State.

The petitioners seek bail in connection with

Vidyapati Nagar Ghatho P.S. Case No. 95 of 2021,

registered for the offences punishable under Sections 341,

323, 379, 307, 406, 410, 120 B and 34 of I.P.C.



The prosecution story as emerges from the FIR is that the petitioners and their associates snatched the video-camera of the informant who is a videographer, when he had gone to Dalsinghsarai in regard to shooting a film.

Ld. counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that they are not named in the FIR and the best case against the petitioners is the alleged confessional statement of co-accused. The only material collected during investigation is alleged confessional statement either of the accused or co-accused and recovering of some articles. They also submit that specific particulars of the snatched has not been given in the seizure list nor in the FIR. Hence, claim of the police that theft property has been recovered from the accused petitioner, namely, Prince Kumar is baseless. They further submit that investigation in this case is complete and charge-sheet has already been submitted.

They further submit that the petitioners have been languishing in jail since 31.08.2021.



It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

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

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released 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 the Ld. Additional Chief Judicial Magistrate-3, Dalshingsarai, Samstipur, in connection with Vidyapati Nagar Ghatho P.S. Case No. 95 of 2021, 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 hamper 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 them 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 any criminal antecedents, the learned court below shall cancel the bail bond 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, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

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)

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