

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24066 of 2023

Arising Out of PS. Case No.-226 Year-2022 Thana- IMAMGANJ District- Gaya

1. SACHIN KUMAR Son of Bigan Das @ Bigan Ravidas R/V- Pasewa PO and PS- Imamganj, Dist- Gaya
2. Naresh Das @ Naresh Kumar Son of Ramchandra Das R/V- Pasewa PO and PS- Imamganj, Dist- Gaya
3. Ujjawal Kumar Son of Sudama Paswan R/V- Pasewa PO and PS- Imamganj, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Adv.
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 17-07-2023 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. Petitioners seek bail, who are in custody since 28.11.2022 in connection with Imamganj P.S. Case No.226/2022, dated 26.11.2022, registered for the offences punishable under Sections 457, 380 of the IPC but later on Sections 411, 414 of the I.P.C. & 25(1-B)A of the Arms Act were added.
3. According to prosecution case, on the alleged date of occurrence, when the informant along with his family members returned his house after attending the marriage, he found the locks of his house was broken and the ornaments, money, utensils etc. were missing from the house.



4. Learned counsel for the petitioners submits that the petitioner no.2 has clean antecedent and the petitioner no.1 and 3 have carried one antecedent other than the present one and they have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. The name of the petitioners have been transpired during investigation on the basis of confessional statement of the co-accused, namely, Naresh Das and some looted articles have been recovered from the possession of the petitioners but the recovered articles have not been put on T.I.P. by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioners and the petitioners are in custody since 28.11.2022.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners on the ground that the petitioner no.1 and 3 have got one criminal antecedent each other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner no.2 has clean antecedent.

6. Considering the aforesaid facts and circumstances as well as period of custody, 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 J.M.1st Class, Sherghati, Gaya in connection with Imamganj P.S. Case No.226/2022, 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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