

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19793 of 2023

Arising Out of PS. Case No.-209 Year-2022 Thana- NAWADA District- Nawada

Kanhai Kumar @ Sonu S/O Krishna Saw R/v- Thikhamatiya, P.S.- Vaishali,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29722 of 2023

Arising Out of PS. Case No.-209 Year-2022 Thana- NAWADA District- Nawada

Ajeet Kumar Singh @ Mama S/o Late Ravindra Singh Resident of village-
Shanker Nager, P.S.-Mithanpura, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 19793 of 2023)

For the Petitioner/s : Mrs. Kanchan Kumari, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

(In CRIMINAL MISCELLANEOUS No. 29722 of 2023)

For the Petitioner/s : Mr. Manish Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail, who are in custody since
08.07.2022 and 07.12.2022, in connection with Nawada Nagar
P.S. Case No. 209 of 2022, F.I.R. dated 09.03.2022 registered for
the offences punishable under Section 379 of the Indian Penal
Code.

The F.I.R. of the occurrence of theft is against unknown.



Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely 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 self statement of (Kanhai Kumar @ Sonu) and the confessional statement of co-accused persons namely Ayush Kumar @ Chhotu, Md. Rizwan and Kanhai Kumar @ Sonu in Nawada Town P.S. Case No. 512 of 2022. He further submits that nothing has been recovered from the conscious possession of the petitioners or the house of the petitioners and except the confessional statement of co-accused persons, no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 08.07.2022 and 07.12.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that the petitioners carry four more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada Nagar P.S. Case No. 209 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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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