

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29667 of 2023

Arising Out of PS. Case No.-325 Year-2022 Thana- PIPRAKOTHI District- East Champaran

1. AISHU DAS Son of Late Nageswar Das @ Nagesh Rao Das Resident of village - Purvikot, P.S. - Karoi, Distt. - Jajpur, State - Odisha
2. Kishan Das Son of Late Nagesh Rao Das @ Nageswar Das Resident of village - Purvikot, P.S. - Karoi, Distt. - Jajpur, State - Odisha

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-06-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Pipra Kothi P.S. Case No. 325 of 2022 registered for the offences punishable under Sections 379, 411 and 34 of the Indian Penal Code.

As per prosecution case, when the informant was closing his shop then he saw that two unknown persons taking his ornaments from the dickey of his motorcycle and started fleeing away. On the instigation local people caught them. They disclosed their name as Aishu Das and Kishan Das. On search, a pair of anklet has been recovered from both of them and they



were handed over to the police.

Learned counsel for the petitioners submits that petitioners are in custody since 01.12.2022. Petitioners bear no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioners are innocent and have committed no offence as alleged in the F.I.R. Nothing has been recovered from the possession of the petitioners. The allegations against the petitioners are vague.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Pipra Kothi P.S. Case



No. 325 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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