

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26691 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- KESARIA District- East Champaran

1. Manager Kumar, aged about 20 years (M) Son of Ram Ekbal Sahani Resident Of Village- Dhekaha, P.S- Kesariya, Dist- East Champaran
2. Baliram Kumar, aged about 25 years (M) Son Of Jagarnath Sahani Resident of Village- Dhekaha, P.S- Kesariya , Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the State : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 31-01-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the State of Bihar.

The petitioners seek bail in connection with Kesariya P S Case No. 49 of 2022, registered for the offence punishable under Sections, 461 and 379 of the Indian Penal Code.

As per prosecution case, Rs. 90,000/- (Ninety thousand) and some articles have been stolen from the informant's shop.

Learned counsel for the petitioners submits that the petitioners have been implicated on alleged identification of the informant based on CCTV footage. The petitioners have no antecedents and they are in custody since 10-02-2022. There is alleged recovery of Rs. 6,000/- (Six Thousand) from the petitioner No.1 and Rs. 7,000 /- (Seven Thousand from the petitioner No.2. It is submitted that the money was in petitioners' *bona fide* possession and there is no basis to link the recovery with the amounts stolen from the informant's shop. It is further submitted that during investigation also, it has been revealed that, in fact, only co-accused Sachin Sahani's profile was visible in the CCTV footage. It is



submitted that investigation is complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the petitioners' period of custody and manner of implication viewed with their clean antecedents in the background as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

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 Chief Judicial Magistrate Motihari, East Champaran, in connection with Kesariya P S Case No. 49 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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