

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34840 of 2023

Arising Out of PS. Case No.-349 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. MATRU MANDAL SON OF SITARAM MANDAL RESIDENT OF VILLAGE SAHPUR, PS- GHOGHA, DISTT- BHAGALPUR
2. HIRALAL MANDAL SON OF MASUDAN MANDAL RESIDENT OF VILLAGE - LODIPUR, PS- KHARIK BAZAR, DISTT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Opposite Party/s : Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-08-2023 1. Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. Petitioners, who are in custody since 22.03.2023 seek bail in connection with Kahalgaon (Ghogha) P.S. Case No. 349/2023 registered for the offences punishable under Sections 414/34 of the I.P.C.

3. According to prosecution case, the petitioners were apprehended by the police with the stolen motorcycle and they disclosed before the police that they were going to sale the motorcycle in question.

4. Learned counsel for the petitioners submits that for the same occurrence Pirpaiti P.S. Case No.59/2021 under



Section 379 of the IPC was instituted against the petitioners and apart from the aforesaid, the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that as per allegation in the F.I.R. the petitioners were apprehended along with the motorcycle in question. He further submits that the petitioners were present near the State Bank of India and motorcycle in question was recovered near the State Bank of India and the petitioners were apprehended merely on the basis of suspicion. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 22.03.2023.

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 petitioners have carried one criminal antecedent other than the present one.

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 C.J.M., Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No.349/2023, 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)

amit/-

U		T	
---	--	---	--

