

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37367 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- NAWADA District- Nawada

1. Dhiraj Kumar @ Dhiraj Raj Son Of Kisto Ram R/O- Tenant In House Of Baleshwar Singh.
2. Vikram Kumar Son Of Viru Singh
Both R/O- Mohalla- Linepar Mirzapur, P.S.- Nawada Dist.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Nandan Prasad, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 20-01-2023 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State in virtual Court proceeding.

The petitioners seek bail in a case registered for the offence under Sections 395, 397, 427 of the Indian Penal Code and Sections 25(1-b) A/26/35/27 of Arms Act.

The prosecution story, in brief, is that the informant and his brother reached their house and as they were entering their house, 15 to 20 miscreants came there and slapped the



informant and his brother. The further allegation is that the miscreants took away the utensils from the informant's house.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that in fact the petitioners are not named in the FIR. The name of the petitioners have been transpired on the basis of the confessional statement of the co-accused person, namely, Sagar Kumar. Further submits that no incriminating article has been recovered from possession of the petitioners so no case is made out against the petitioners under the Arms Act and till date no TIP has been conducted by the prosecution and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 25.02.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Nawada Town P.S.Case No.84 of 2022 with 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 witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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)

Nitesh/-

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

