

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38113 of 2023**

Arising Out of PS. Case No.-206 Year-2023 Thana- DANAPUR District- Patna

1. Shammi Raj @ Atul Kumar S/O Surendra Prasad Singh R/O Village- Gainy, Ps. Khudma, Distt. Aurangabad, At Present Village And Ps. Ramkrishna Nagar, Distt. Patna
2. Satish Kumar @ Sanni S/O Surendra Prasad R/O Village- Bibiganj Bhatha Road, Ps. Danapur, Distt. Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : None

For the Opposite Party/s : Mr.Ram Sumiran Rai, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      14-07-2023                      No one appear on call on behalf of the petitioner

The petitioners are in custody since 15.02.2023 in connection with Danapur P.S. Case No. 206 of 2023 for the offence punishable under Sections 419, 420, 467, 468, 471 of the I.P.C. lodged on 14.02.2023 by the informant, Kamleshwar Prasad Singh.

The prosecution story, in brief, is that one Kameshwar Prasad Singh has given his fardbeyan to the police on 14.02.2023, alleging that one Gaurav Raj has made complain that some persons are trying to cheat him on account of providing job in the military department and they have called him for medical test near military hospital Danapur. Upon such



information, the police team went near the military hospital where two persons succeeded in escaping but three persons including the petitioners were apprehended and from the possession of apprehended co-accused Sammi Raj so objectionable items were recovered. Accordingly, the F.I.R.

As per the petition, it has been narrated that allegations are general and omnibus in nature. Further, the aggrieved person is Gaurav Raj and neither anything has been disclosed by him nor he has identified the petitioner. Further, even seized motorcycle does not belong to them.

Further, as per the allegation, it was Ravi and Sonu who called the victim Gaurav Raj and these petitioners are only victim of circumstances as Ravi and Sonu on sight of the police escaped while the bag which was their was left behind and was attributed to these petitioners. The last contention in the bail application is that they are in custody since 15.02.2023.

Learned APP opposes the prayer stating that in the garb of promising the job, they used to extort money from the young aspirant.

Considering the aforesaid incorporation of facts in the petition as also the fact that the petitioners have no criminal antecedent and have remained in custody since 15.02.2023, this



Court is inclined to extend them the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M. 1<sup>st</sup> Danapur, in connection with Danapur P.S. Case No. 206 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Ravi/jyoti/-

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