

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46463 of 2022

Arising Out of PS. Case No.-120 Year-2012 Thana- TEGHRHA District- Begusarai

1. Ramesh Yadav @ Ramesh Kumar Yadav Son of Sone Lal Yadav Resident of village- Bhatahi, P.S- Jatiyahi, Dist- Dhanusha Nepal
2. Devendra Kamat @ Shambhu Kamat Son of Baleshwar Kamat R/V- Kamalwar Patti, P.S- Harlakhi, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-02-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code.

According to prosecution case, about 17-18 criminals entered in the house of the informant and threatened and assaulted him and his family members. They looted gold and silver ornaments and cash of Rs. 35,000/- and also one mobile phone.

Learned counsel for the petitioners submits that



petitioners have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. and the names of the petitioners have been transpired during investigation on the basis of the confessional statement of the co-accused persons. He further submits that nothing has been recovered from the conscious possession of the petitioners and till date no T.I.P. had been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 16.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, 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 Teghra P.S. Case No. 120 of 2012, 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 tampers 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)

Vanisha/-

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

