

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47212 of 2022

Arising Out of PS. Case No.-93 Year-2022 Thana- BARAUNI District- Begusarai

1. Roshan Kumar, aged about 20 years, Gender- Male, S/o Raju Sah @ Raju Saw R/o village- Vrindawan Colony, Balmi Complex, Gate No. 01, AIIMS Road, P.S.- Fulwari, District- Patna
2. Raghu Singh @ Kallu Kumar, aged about 23 years, S/o Umesh Singh Resident of Jhoppar Patti Vinash Nagar under Chitkohra Bridge, P.S.- Sachivalay, District- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Binay Kumar Singh, Adv.
For the State	:	Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-01-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing for the State of Bihar.

The petitioners seek bail in connection with Barauni PS Case No. 93 of 2022, registered for the offence punishable under Sections 379, 411, 414 and 401/34 of the Indian Penal Code.

While moving on a stolen vehicle, which was laden with some goats, the petitioners have been apprehended along with others.

Learned counsel for the petitioners submits that it is out and out a false case. There is no independent witness to the petitioners' arrest from the alleged stolen vehicle. They have no antecedents and they are in custody since 07-03-2022. In fact, the petitioners were near the place, from where the stolen vehicle has been seized and they have become victim of the circumstance.

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



Considering the rival submissions, nature of accusation, petitioners' period of custody as also the fact that nothing has been recovered from petitioners' possession, 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 Additional District and Sessions Judge-V, Begusarai, in connection with Barauni PS Case No. 93 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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