

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50344 of 2023

Arising Out of PS. Case No.-30 Year-2022 Thana- GHOSWARI District- Patna

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1. Ashok Prasad @ Ashok Samrat Son of Sitaram Prasad Resident of Ward No. 71, Patna City, P.S.-Malsalami, District-Patna
 2. Bidyanand Prasad Son of Sukku Mahto Resident of Ward No. 71, Patna City, P.S.-Malsalami, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners seek bail, who are in custody since 01.07.2022, in connection with Ghoswari P.S. Case No. 30 of 2022, F.I.R. dated 03.03.2022 registered for the offences punishable under Sections 379, 461 of the Indian Penal Code.

3. The F.I.R. of the occurrence of theft is against unknown.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that the petitioners are not named in the F.I.R. and the name of the petitioners has been transpired during investigation on the basis



of confessional statement of co-accused persons namely Santosh Kumar Saqw and Jitendra Paswan @ Tusani @ Tushni Paswan and nothing has been recovered from the conscious possession of the petitioners and except the confessional statement of co-accused persons, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused persons namely Santosh Kumar and Jitendra Paswan @ Tusani @ Tushni Paswan have been granted bail by a Coordinate Bench of this Court vide order dated 27.02.2023 passed in Cr. Misc. No. 67274 of 2022 and the petitioner is in custody since 01.07.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that the petitioners carry three more cases other than the present one.

6. 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Barh, Patna in connection with Ghoswari P.S. Case No. 30 of 2022, 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 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)

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