

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46992 of 2023

Arising Out of PS. Case No.-316 Year-2023 Thana- ARARIA District- Araria

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Suman Kumar Son of Sikandar Yadav Resident of Village- Kabaiya, Ward
No. 02, (HARDA), Ps- Maranga, Distt- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 51259 of 2023

Arising Out of PS. Case No.-316 Year-2023 Thana- ARARIA District- Araria

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Santosh Kumar @ Sntosh Kumar @ Santos Kumar Son of Ramroop Singh
Resident of Village - Sisia Hat, Ward No. 08, P.S. - Korha, Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 46992 of 2023)

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

(In CRIMINAL MISCELLANEOUS No. 51259 of 2023)

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

For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-08-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since
16.04.2023 in connection with Araria P.S. Case No. 316 of
2023, F.I.R. dated 05.04.2023 for the offences punishable under
Section 394 of the Indian Penal Code.



3. According to prosecution case, the informant is alleged to have been assaulted and looted by four unknown persons.

4. Learned counsel for the petitioners submit that petitioners have falsely been implicated in the present case, they are not named in the F.I.R., and the name of the petitioners have been transpired only on the basis of one looted mobile recovered from the possession of the petitioner, namely Santosh Kumar and, thereafter, the confessional statement of the petitioners have been recorded in the present case. He further submits that one motorcycle was recovered recovered from the house of the petitioner namely, Suman Kumar, which was used in the present crime in question.

5. Learned Counsel for the petitioner further submits that the mobile phone which was recovered from the possession of Santosh Kumar, was purchased from his maternal uncle, namely, Chandan Kumar and as far as motorcycle is concerned which was recovered from the house of the petitioner Suman Kumar, was purchased from one Raja Kumar. He further submits that police after investigation submitted a charge-sheet against these petitioners. The petitioners are rotting in judicial custody since 16.04.2023.



6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that one looted mobile phone has been recovered from the possession of the petitioners but fairly submits that the same is not put on T.I.P. as it, and the petitioner namely, Suman Kumar carry one case other than the present one and another petitioner, namely, Santosh Kumar, has clean antecedent.

7. 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 Chief Judicial Magistrate, Araria, in connection with Araria P.S. Case No. 316 of 2023, subject to the following conditions:-

i. Petitioner 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, his bail bond shall be cancelled by the Court below.

ii. 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.



iii. 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 his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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