

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53321 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- FULKAHA District- Araria

1. CHANDAN KUMAR @ MAUSAM S/O RADHESHYAM VIJPURIYA
R/O VILLAGE- VISHANPUR, WARD NO. 04, P.S- BALUA BAZAR,
DISTT.- SUPAUL.
2. SUMIT KUMAR PASWAN @ SUNIL KUMAR PASWAN S/O LATE
HIRALAL PASWAN @ LATE HARILAL PASWAN R/O VILLAGE-
BALUA BAZAR WARD NO. 07, P.S- BALUA BAZAR, DISTT.-
SUPAUL, STATE- BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-08-2023 Heard the parties.

The petitioners are accuseds in connection with Fulkaha P.S. Case No. 59 of 2023 registered for the offences under sections 279, 414 and 34 of the Indian Penal Code lodged on 28.05.2023 by the informant, Raja Kumar.

As per the prosecution story, intercepted a van, two persons tried to escape, apprehended. Rs. 2,000 Nepali currency (Rs. 1,000 X 2) as also Rs. 440/- Indian currency were recovered followed by the arrest, FIR.

Learned Counsel for the petitioners submit that nothing has been recovered from their conscious possession and



they have been implicated by the S.S.B. They have suffered by being in custody since 29.05.2023 (as stated in paragraph 11 of the bail application) despite the fact that they do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the submissions put forward by the learned Counsel for the petitioners, the allegation that has come against them, no criminal antecedents and are in custody since 29.05.2023, this Court is inclined to extend them privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned S.D.J.M., Araria in connection with Fulkaha P.S. Case No. 59 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *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 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 their 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)

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