

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52563 of 2023

Arising Out of PS. Case No.-211 Year-2023 Thana- BHORE District- Gopalganj

1. MUNNA SAI Son of Late Nijam Dewan @ Late Najim Sai
 2. Amawat Ali Son of Munna Sai
- Both are Resident of village - Mishrauli, P.S. - Bhore, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since 12.05.2023 in connection with Bhore P.S.Case No.211 of 2023, F.I.R. dated 11.05.2023 registered for the offence punishable under Section 413 and 414/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 11.05.2023 the police raided the Phus Palani of the petitioners and recovered three motorcycles. On demand, no documents of the motorcycles were produced by the accused persons.

4. Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR



it appears that when the police has raided the house of the petitioners, the petitioners and other co-accused persons have fled away from the house of the petitioners but the petitioners were apprehended by the police and on the basis of the disclosure made by the petitioners, three motorcycles have been recovered from the Palani of the petitioners. Learned counsel for the petitioners submits that there is non-compliance of Section 100 of Cr.P.C. and petitioners have no concern at all with the alleged recovery of the motorcycles in question or the Palani from where the recovery have been made and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 12.05.2023 and for the same occurrence the petitioners have been remanded in another case i.e. Bhore P.S.Case No.198 of 2023 under Section 379 of the Indian Penal Code and the petitioners have been remanded in Bhore P.S.Case No.198 of 2023 from the present case.

5. Learned APP for the State has opposed the prayer for bail of the petitioners and submits that the petitioners carry one more case other than the present one.

6. Considering the aforesaid fact, 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 learned Chief Judicial Magistrate, Gopalganj in connection with Bhore P.S. Case No.211 of 2023, with the following conditions:-

(I) 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.

(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 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)

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