

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54026 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- MAHUA District- Vaishali

Akshay Kumar @ Guddu Kumar Son Of Pramod Patel Resident Of Village
Kanhauli Patel Nagar, Ps- Mahua, Dist- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54136 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- MAHUA District- Vaishali

Sunny Kumar @ Kallu S/O Jitendra Patel @ Jitendar Patel R/O Village-
Kanhauli Patel Nagar, P.S- Mahua, Distt.- Vaishali At Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 54026 of 2023)

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

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

(In CRIMINAL MISCELLANEOUS No. 54136 of 2023)

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate

For the Opposite Party/s : Ms.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-08-2023 Heard the parties.

The petitioners are in judicial custody in connection
with Mahua P.S. Case No.27 of 2023 instituted under Sections
395 of the IPC lodged on 19.01.2023 by the informant Kabita
Devi.

As per the prosecution story, the accused persons
entered the shop and on the point of pistol, looted Rs.4000/- as
also golden chain of the informant's daughter. The registration



number of the motorcycle was seen by the informant's side and which was given to the police and incorporated in the FIR on the basis of which they were apprehended.

Case of the petitioners is/are that on the basis of arrest/confession made by the police, they have been implicated and have already suffered by being in custody since 27.02.2023 though still no test identification period was conducted.

Learned APP opposes the prayer for bail.

Taking into account the submissions put forward by the learned counsel for the petitioner that despite being in custody since last six month no TI has been conducted, FIR lodged, they will ultimately face the trial, this Court is inclined to grant them privilege of bail.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Mahua P.S. Case No.27 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her 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 month for a year 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.

(Rajiv Roy, J)

Prakash Narayan

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