

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41575 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- KHAIRA District- Jamui

CHHOTU SINGH @ MALINGA S/o Late Dhobi Singh R/o village - Parsa
Police Station - Khaira, District - jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53457 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- KHAIRA District- Jamui

SUMANT KUMAR PANDEY S/O PRAMOD PANDEY Resident of village-
Dumarkola, P.S.- Khaira, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 41575 of 2022)

For the Petitioner/s : Mr. Amrendra Kumar, Adv.

For the Opposite Party/s : Mr. Dinesh Singh, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 53457 of 2022)

For the Petitioner/s : Mr. Satya Prakash Parasar, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-02-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail in a case registered for the



offences punishable under Sections 395 of the Indian Penal Code.

The prosecution case, in brief is that when the informant along with his cousin were going to CSP Centre Bojhagat after withdrawing Rs. 2,75,000/- from the bank, two unknown persons riding on motorcycle overtook the motorcycle of the informant and looted away bag containing Rs. 2,75,000/- and fled away.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence and they have falsely been implicated in the present case. The petitioners are not named in the F.I.R. Their names have been transpired during investigation, on the basis of confessional statement of petitioner namely, Sumant Kumar Pandey (Cr. Misc. No.53457/2022). He further submits that except the confessional statement of petitioner namely, Sumant Kumar Pandey (Cr. Misc. No.53457/2022), no cogent materials have come during investigation against the petitioners and till date no T.I.P. has been conducted by the prosecution. He further submits that no incriminating articles have been recovered from conscious possession of the petitioners. The police after investigation submitted the charge sheet against the petitioners



and petitioners are in custody since 01.04.2022 and 19.04.2022 respectively.

The learned Additional Public Prosecutor opposed the prayer of bail, on the ground that petitioners carried one criminal antecedent each other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Court below where the case is pending in connection with Khaira P.S. Case No. 105 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 bond shall be cancelled by the Court below.

2. 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.

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 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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