

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55640 of 2023

Arising Out of PS. Case No.-299 Year-2023 Thana- DHAKA District- East Champaran

1. GUDDU KUMAR RAJAK S/o Lakhindra @ Lathindra Raj R/o vill - Repura, P.S. - Minapur O.P (Panapur), Distt. - Muzaffarpur
2. Hemant Kumar Son of Sagarath Sahni R/o vill - Bara Bharthi, P.s. - Minapur, O.P. (Panapur), Distt. - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioners are accused in connection with Dhaka P.S. Case No. 299 of 2023 registered for the offences under sections 414, 420, 467, 468 and 34 of the Indian Penal Code and sections 25(i)(b)(a), 26 and 35 of the Arms Act lodged on 07.06.2023 by the informant, Mukesh Chandra Kumar.

As per the prosecution story, on information that some accused persons have assembled to commit crime, the patrolling party moved to the said place, intercepted/apprehended and allegation is that from petitioner no. 1, country made revolver with live cartridges recovered as also some ATM Cards while from petitioner no. 2, some ATM Cards were recovered. On



query, they informed that they commit ATM fraud and withdraw money. Accordingly, the FIR.

It is the case of the petitioners that police only to implicate them have made a false narration, no sane person will inform the police that they are committing ATM fraud, to make story graver, the recovery/seizure of country made revolver with live cartridges have been made only because they have criminal antecedents.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that they have criminal antecedent.

Taking into account the submissions put forward by the learned Counsel for the petitioners as also on suspicion that they were going to commit crime, the petitioners were checked and recovery made, they are in custody since 08.06.2023 (as stated in paragraph 19 of the bail application), 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., Dhaka in connection with Dhaka P.S. Case No. 299 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 month for next one 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.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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