

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55193 of 2022

Arising Out of PS. Case No.-86 Year-2022 Thana- KOTWA District- East Champaran

Suman Kumar Singh, Son of Late Janardhan Singh R/V- Pultakiaya, P.s-
Kesasriya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55293 of 2022

Arising Out of PS. Case No.-86 Year-2022 Thana- KOTWA District- East Champaran

Saidul khan, son of Abdul Sattar r/o Mohalla- A-195, Awantika, Sector no. 02,
Rohini, P.S.- Vijay Vihar, Distt.- West Rohni, State- Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 55193 of 2022)

For the Petitioner/s : Mr. Pramod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

(In CRIMINAL MISCELLANEOUS No. 55293 of 2022)

For the Petitioner/s : Mr. Manjeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-02-2023 Learned counsel for the petitioners are permitted to

remove the defect(s), if any, as pointed out by the office, within

a period of four weeks from today.

Heard Mr. Pramod Kumar Pandey, learned counsel for
the petitioner and Mr. Satyendra Narayan Singh, learned APP
for the State in Cr. Misc. No. 55193 of 2022 and Mr. Manjeet
Kumar Mishra, learned counsel for the petitioner and Mr.
Chandra Sen Prasad Singh, learned APP for the State in Cr.
Misc. No. 55293 of 2022.

With consent of the parties, both the applications are



being heard together and disposed of by a common order.

The applications for grant of bail to the petitioners, who are in custody in connection with Kotwa P.S. Case No. 86 of 2022 dated 12.03.2022, registered for the offences punishable under Sections 401, 402, 413, 414, 467, 468, 471, 420 and 379 of the Indian Penal Code.

The prosecution case is based on the written statement of the informant alleging therein that in course of checking, the vehicle in question was intercepted and four persons were apprehended. It is also alleged that some of the persons succeeded in fleeing away. In course of search, various registration number plates of the vehicles, mobile phones and other articles as mentioned in the FIR were recovered and the accused persons, including the petitioners, disclosed that they commit theft etc.

Learned counsel appearing on behalf of the petitioners submit that no incriminating article has been recovered from the conscious possession of the petitioners and from the seizure list it appears that the alleged recovery was made either from the scrap shop of Md. Sajjad or near NH-27. It is also submitted at the Bar that other two co-accused persons who were also apprehended from the Scorpio, they have been allowed privilege



of bail by different co-ordinate Benches of this Court in Cr. Misc. No. 40654 of 2022 and Cr. Misc. No. 33828 of 2022 *vide* order dated 01.11.2022 and 13.01.2023 respectively. It is lastly submitted that in fact on the confession made before the police the names of the petitioners have also been implicated in four other criminal cases, as has been mentioned in paragraph no. 3 of the respective bail application. While concluding the submissions, learned counsel submit that they are in custody since 13.03.2022 and, moreover, the investigation is complete.

On the other hand, learned APPs. for the State vehemently opposed the bail applications and submit that the petitioners and other co-accused persons are members of a gang who indulged in heinous crime of theft and loot.

Regard being had to the submissions made on behalf of the parties and considering the nature of recovery and period of custody, coupled with the fact that other co-accused persons having identical allegation have been allowed bail, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari/ ACJM-10, East Champaran, Motihari/court concerned, in connection



with Kotwa P.S. Case No. 86 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bonds of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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