

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57413 of 2022

Arising Out of PS. Case No.-202 Year-2022 Thana- CHHATAPUR District- Supaul

1. Sunil Kumar Yadav Son of Shatrughan Yadav Resident of village- Amrori, Ward No- 14, P.S- Fulkaha, District- Araria
2. Ajit Kumar Yadav S/O Manbodh Yadav Resident of village- Laxmipur, P.S- Fulkaha, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-03-2023 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 401, 411, 413, 414/34 of the Indian Penal Code.

It relates to recovery of one motorcycle and mobile phone from the possession of the petitioners.

Learned counsel for the petitioner submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that one motorcycle and mobile phone have been recovered from the possession of the petitioners. Learned counsel for the petitioners submits that the police has



falsely implicated in the present case due to previous criminal antecedent but in fact nothing has been recovered from the possession of the petitioners rather the police has planted the same and shown that the recovery has been made from the possession of the petitioners. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 26.05.2022.

Learned APP for the State has opposed the prayer for bail of the petitioners on the ground that both the petitioners carry two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No. 294 of 2022 arising out of Chhatapur P.S. Case No. 202 of 2022, with 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tampers with the evidence or the witness, 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 antecedents, 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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