

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46585 of 2023

Arising Out of PS. Case No.-180 Year-2023 Thana- KORHA District- Katihar

MD JIYAU @ JIYAU HAQUE @ LAKKI S/O MD. AIESH ALI @
AIESH ALI R/O VILLAGE- SANDALPUR, DEHRI, PS. KORHA, DIST.
KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 58595 of 2023

Arising Out of PS. Case No.-180 Year-2023 Thana- KORHA District- Katihar

AMAR KUMAR S/O LATE RAMANAND PODDAR R/O - SEMAPUR,
P.S. - BARARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46585 of 2023)

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

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

(In CRIMINAL MISCELLANEOUS No. 58595 of 2023)

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Korha P.S.
Case No. 180 of 2023 dated 09.05.2023 registered for the offence
under Sections 395 of the Indian Penal Code.

The prosecution case as stated in the F.I.R. is that on
08.05.2023, the informant was going towards Kheriya by tractor



loaded with maize bags, meanwhile six miscreants arrived there by motorcycles and surrounded him and taken away him along with his tractor at unknown place on the point of arms

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case merely on the basis of suspicion. He further submits that it appears from the seizure list that one cartridge, motorcycle, cell phone, iron fighter have been recovered from the possession of petitioner, namely, Md. Jiyaul @ Jiyaul Haque @ Lakki. He further submits that the motorcycle and phone belongs to him and they are not the stolen property but the police has erroneously prepared seizure list.

On behalf of petitioner, namely, Amar Kumar, it has been contended that his name transpired in this case on the confession of petitioner, Md. Jiyaul @ Jiyaul Haque @ Lakki. Nothing incriminating has been recovered from the house or conscious possession of this petitioner.

It has further been contended on behalf of both the petitioners that no looted articles have been recovered from the possession of the petitioners and the prosecution has not conducted the T.I.P. till date. Moreover, co-accused, Nawin Kumar @ Navin Kumar @ Rohit Raj has already been granted bail by a co-ordinate Bench of this Court vide order dated 11.08.2023 passed in Cr. Misc. No. 50824 of 2023 and co-accused, Nitish



Kumar has also been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 55006 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 11.05.2023.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners and submits that though the F.I.R. has been registered against unknown persons but the petitioners have committed the offence of loot.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 learned Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 180 of 2023 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 bond shall be canceled 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.

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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