

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64831 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- PRATAPGANJ District- Supaul

1. AVANISH KUMAR SON OF ISHERDEV SUTIHAR R/O VILLAGE- VASAHA, P.S.- PIPRA, DISTT.- SUPAUL
2. CHANDRA SHEKHAR KUMAR @ SHEKHAR SON OF GULAB PRASAD YADAV R/O VILLAGE- PATHARA, WARD NO. 4, P.S.- PIPRA, DISTT.- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Kumar Pathak, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-04-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Pratapganj P.S. Case No. 68 of 2022 dated 13.04.2022 registered for the offence under Sections 365, 392 and 34 of the Indian Penal Code.

The case relates to commission of theft of vehicle of the informant.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners have not been named in the F.I.R., however, their names transpired in this case on the basis of confessional statement of the co-accused, Nilesh Kumar during course of investigation and the vehicle in question



has been recovered from the possession of the petitioners and they have not produced any valid papers with respect to the vehicle in question. He further submits that no T.I.P has been conducted by the prosecution as yet. He further submits that the police after investigation has submitted charge-sheet under Section 365, 395, 412 and 120B of the Indian Penal Code. The petitioner is rotting in judicial custody since 11.05.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary opposed the prayer for bail of the petitioners. He further submits that the looted vehicle has been recovered from the possession of the petitioners and they are also involved in one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail, **after framing of charge, if not framed**, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Birpur, Supaul in connection with Pratapganj P.S. Case No. 68 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 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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