

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57140 of 2022

Arising Out of PS. Case No.-87 Year-2022 Thana- SITAMARHI District- Sitamarhi

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1. Rekha Devi Wife of Late Harman Singh Resident of Village- Ramgarhi (Palhanapur), P.S.- Mangalpur, District- Kanpur (Dehat), Uttar Pradesh
 2. Kamlesh Kumari @ Kamlesh Devi @ Kushma Devi Wife of Birendra Singh @ Brijpal (Babulal) @ Birendra Kumar Resident of Village- Singlamau, P.S.- Fafund, District- Kanpur (Dehat), Uttar Pradesh, A/P R/o Village- Dhanupura, P.S.- Kadar Chowk, District- Badayun, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Section 395 of the Indian Penal Code.

According to prosecution case, the informant went at his duty and the accused persons came and tied the hand, mouth and leg of the informant and snatched his mobile phone and also committed theft from some shops. It is also alleged that the face of the accused persons were covered.

Learned counsel for the petitioners submits that



petitioners have falsely been implicated in the present case. He further submits that the petitioners were not named in the F.I.R. and the name of the petitioners have been transpired on the basis of the suspicion. He further submits that no incriminating article have been recovered from the possession of the petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 30.05.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries 4 criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 the learned Court below where the case is pending in connection with Sitamarhi P.S. Case No. 87 of 2022, subject to the following conditions:-

1. One of the bailor of petitioner no. 1, namely, Rekha Devi, shall be the daughter of the petitioner and of petitioner no. 2, namely, Kamlesh Kumari, shall be the husband of the petitioner.



2. 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 cancelled by the Court below.

3. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

4. 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 his 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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