

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61460 of 2023

Arising Out of PS. Case No.-277 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

1. VIKRAM KUMAR S/o HARIBANSH RAI VILLAGE RAJWARA DIH PS
MUSHAHARI DISTRICT MUZAFFARPUR
2. AJIT KUMAR S/o SUKHDEO SAHANI VILLAGE SARMANI CHAK PS
BOCHAHAN DISTRICT MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Bela Singh

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 21-12-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with
Bochahan P.S. Case No. 277 of 2022 registered for the offences
punishable under Section 382 of the Indian Penal Code.

3. As per prosecution case, on 04.07.2022 the
informant proceeded towards Muzaffarpur on the motorcycle, in
the way, two persons on a motorcycle came and stopped the
informant and took away the motorcycle along with bag. It is
alleged that some important documents from the bag as well as
money, cheque book and mobile from dickky of said motorcycle
were taken away. Hence, FIR has been registered against



unknown.

4. Learned counsel for the petitioners submits that petitioners are not named in the FIR. During course of investigation the present petitioners have been remanded in the present case from Bochahan P.S. Case No. 15 of 2023 on 07.02.2023 and since then petitioners are in custody. He further submits that no incriminating article has been recovered from possession of the petitioners. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioners with the alleged occurrence. He further submits that petitioners were not apprehended on the spot and just because of their criminal antecedent they have been falsely implicated in the present case in a routine manner on account of suspicion. Petitioners have not been put on TIP. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on



record, 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 Judicial Magistrate, 1st Class, East Muzaffarpur in connection with Bochahan P.S. Case No. 277 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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