

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61770 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- KARTAHA District- Vaishali

=====

Bipin Kumar, aged about 35 years, Sex- male, S/O Chandeshwar Singh
Resident of village- Saidpur Ganesh, P.S.- Biddupur, District- Vaishali at
Hajipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 66156 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- KARTAHA District- Vaishali

=====

Gautam Kumar aged about 20 years, Gender- male, Son of Sakindra Singh @
Sakindra Mahto R/V- Subhai, P.S- Hajipur (Sadar) Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 72165 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- KARTAHA District- Vaishali

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Vishwajeet Kumar @ Vishvajeet Kumar aged about 18 years, male, S/o Shri
Ashok Kumar Singh R/o Village- Senduari, P.S.- Sadar Hajipur, Distt-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 72409 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- KARTAHA District- Vaishali

=====

Mithun Kumar aged about 18 years, male, Son of Shivchandra Mahto R/O
Village- Senduari, P.S.- Sadar Hajipur, District- Vaishali

... .. Petitioner/s

Versus



The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 61770 of 2022)

For the Petitioner/s : Mr. Anish Chandra, Adv.

For the Opposite Party/s : Ms. Rina Sinha, APP

(In CRIMINAL MISCELLANEOUS No. 66156 of 2022)

For the Petitioner/s : Mr. Jitendra Kumar Giri, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 72165 of 2022)

For the Petitioner/s : Mr. Satya Prakash Sinha, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 72409 of 2022)

For the Petitioner/s : Mr. Satya Prakash Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-02-
2023

Heard learned counsel for the petitioners and learned Additional Public Prosecutors appearing for the State of Bihar.

All these applications arise out of the same Police Station i.e., Kartaha PS Case No. 61 of 2022, and as such, they have been heard together and are being disposed of by this common order.

The petitioners seek bail in connection with Kartaha PS Case No. 61 of 2022 dated 25-07-2022, registered for the offence punishable under Sections 413 and 414/34 of the Indian Penal Code.

Two motorcycles were stopped during routine checking which has led to arrest of six (06) persons, including the petitioners. One of the motorcycles was being driven by co-accused, namely, Vishwajeet Kumar whereas the other was being driven by co-accused, namely, Birendra Kumar. The other four persons, including the petitioners were pillion riders and it is alleged that they could not produce papers in respect of the motorcycles.

Learned counsel for the petitioners submits that being in the locality they have become victim of the circumstances though they have no concern with the recovery which is obvious from the fact that even seizure memo does not bear their signature. It is further submitted that investigation is complete.



Petitioners are in custody since 26-07-2022. Petitioner, namely, Bipin Kumar in Cr. Misc. No. 61770 of 2022 has no antecedent. There is one antecedent of the petitioner, namely, Gautam Kumar in Cr. Misc. No. 66156 of 2022, arising out of Kartaha PS Case No. 53 of 2022. Petitioner, namely, Vishwajeet Kumar @ Vishvajeet Kumar in Cr. Misc. No. 72165 of 2022 was earlier implicated in Kartaha PS Case No. 53 of 2022, on which he is on bail whereas petitioner of Cr. Misc. No. 72409 of 2022, namely, Mithun Kumar was earlier implicated in Kartaha PS Case No. 53 of 2022, in which he is on bail and he is acquitted in Hajipur Sadar PS Case No. 51 of 2020 as well as Hajipur Sadar PS Case No. 511 of 2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions and seizure memo, certified copy of which has been enclosed as also the fact that investigation is complete, and period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel.

Prayer for bail of the petitioners is allowed.

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 Chief Judicial Magistrate/ Additional Chief Judicial Magistrate-III or the concerned Court, Vaishali at Hajipur, in connection with Kartaha PS Case No. 61 of 2022, dated 25-07-2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.



This Court would expect that the petitioners’ counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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