

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63994 of 2022

Arising Out of PS. Case No.-25 Year-2021 Thana- BAKHARI District- Begusarai

Suraj Singh @ Suraj Chaudhary Son Of Gulab Chaudhary @ Gulab Chaudhari @ Bhutto Chaudhary R/O Village- Korla, P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 13039 of 2023

Arising Out of PS. Case No.-25 Year-2021 Thana- BAKHARI District- Begusarai

Bipin Paswan Son of Chandradev Paswan Resident of- Ward No.-3, Korla, Habiapur, P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63994 of 2022)

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

(In CRIMINAL MISCELLANEOUS No. 13039 of 2023)

For the Petitioner/s : Mr. Pritish Kumar Lal, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 25-02-2023 Heard learned counsel for the petitioners and learned counsel for the State.

With consent of the parties, as both the applications arise out of the same P.S. case, are being heard together and disposed off by a common order.



The petitioners seek regular bail, who are in custody in connection with Bakhri P.S. Case No. 25 of 2021 registered for the offence punishable under Section 392 of the Indian Penal Code.

As per the prosecution case, it is alleged by the informant who is said to be Branch Manager of S.B.I. Bakhri Branch that while he and his B.I.S. Guard were proceeding on a private vehicle, in the meantime, some unknown miscreants riding on a Bolero Jeep overtook them and on the point of pistol, snatched the valuables and cash and fled away.

Learned counsel appearing on behalf of the petitioners submitted that from the FIR, it is evident that the FIR has been instituted against unknown miscreants. However, during the course of investigation, on suspicion, Co-accused Chandan Kumar was apprehended by the police and on his confessional statement made before the police, the name of the petitioners surfaced. Save and except the confessional statement, there is no material suggesting the complicity of the petitioners. He



fairly submitted at the Bar that during the course of investigation, some of the witnesses have stated that on the alleged date of occurrence, the petitioners were seen moving around the place of occurrence. He lastly submitted that the petitioners has remained in custody for about six months but till date neither they have been put on Test Identification Parade nor any incriminating article has been recovered from their person or possession. Moreover, the co-accused person on whose confession the name of the petitioners surfaced, he has been allowed the privilege of bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 24337 of 2022 vide order dated 22.08.2022.

On the other hand, learned counsel for the State opposed the bail applications and submitted that ample materials have come during the course of investigation, suggesting their complicity. The Call Details Report suggesting the presence of the petitioners at the place of occurrence.

Regard being had to the submissions



made on behalf of the parties and considering the fact that the FIR has been instituted against unknown persons and neither the petitioners have been put on T.I. parade nor any incriminating article has been recovered from their possession coupled with the fact that one of the co-accused on whose confession the name of the petitioners transpired, have been enlarged on bail, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/Sub-Judge-VII-cum-Additional Chief Judicial Magistrate-VI, Begusarai in connection with Bakhri P.S. Case No. 25 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.



(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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