

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.63853 of 2022

Arising Out of PS. Case No.-127 Year-2022 Thana- MOUZA HIDPUR District- Bhagalpur

1. Deva Singh Son of Bhanu Singh @ Dhanu Singh Resident of Mohalla - D.V.C. Para (Pandabeswar), Police Station - Pandabeswar, District - Burdhan (West Bengal)
2. Akash Singh Son of Bharat Singh Resident of Mohalla - D.V.C. Para (Pandabeswar), Police Station - Pandabeswar, District - Burdhan (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate

For the Opposite Party/s : Ms. Dr. Indiar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-04-2023 Heard Mr. Yogesh Chandra Verma, learned senior 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 who are in custody since 24.04.2022 in connection with Mojahidpur P.S. Case No. 127 of 2022, F.I.R. dated 22.04.2022 for the offences punishable under Sections 406, 379/411 of the Indian Penal Code.

According to prosecution case, the informant was going to his home and on his way one person on motorcycle stopped him and demanded his mobile phone on the pretext to call urgently and when the informant handed over his mobile phone to him, the person fled away but later on caught by the



police and disclosed his name as Animesh Keshari.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. and the name of the petitioners have been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Ram Pravesh Gupta @ Bablu Kumar Sah and except the confessional statement of the co-accused, no cogent material has come during investigation to suggest the involvement of the petitioners in the present occurrence. He further submits that no incriminating articles have been recovered from the conscious possession of the petitioners and the petitioners have no concern at all with the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 24.04.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

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 Judicial



Magistrate 1st Class, Bhagalpur in connection with Mojahidpur
P.S. Case No. 127 of 2022, subject to 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 cancelled by the Court below.

2. 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.

3. 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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