

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68672 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- NADI P.S. District- Bhagalpur

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1. Baijnath Singh Son Of Late Govind Singh Village- Ambho, P.S.- Kharik, District- Bhagalpur
 2. Om Prakash Kumar Singh Son Of Baijnath Singh Village- Ambho, P.S.- Kharik, District- Bhagalpur
 3. Sanjit Kumar Son Of Baijnath Singh Village- Ambho, P.S.- Kharik, District- Bhagalpur
 4. Jarvan Kumar @ Jurban @ Jarman Kumar Son Of Baijnath Singh Village- Ambho, P.S.- Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Nadi P.S. Case No. 22 of 2023 lodged under Sections 379, 411
& 413 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against 5 named accused persons against whom the
allegation of theft of iron materials are there and all accused
persons were arrested from the place of occurrence.

4. Learned counsel for the petitioners submits that no

one has come forward to identify or claim the said iron materials which was alleged to be recovered.

Counsel for the petitioner submits that petitioners are in custody is since 07.08.2023 having clean antecedent.

5. Learned counsel for the State opposes the prayer for bail and submits that it is true that the antecedent of the petitioners are clean, but it is also true that the the accused persons have not provided any material that the said iron belongs to them.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- III, Naugachia, Bhagalpur in connection with Nadi P.S. Case No. 22 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date

before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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