

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71042 of 2023

Arising Out of PS. Case No.-362 Year-2022 Thana- EKMA District- Saran

1. Suraj Nut, Son Of Deo Nut, R/O Village- Bangra, P.S.- Daudpur, District-Saran, Chapra
2. Sunil Nut, Son Of Basant Nut, R/O Village- Bangra, P.S.- Daudpur, District-Saran, Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avnish Kumar Singh, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Ekma P.S. Case No.362/2022, lodged on 02.09.2022 under
Section 392 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against four unknown accused persons with an allegation
that they came on two motorcycles and committed loot upon the
informant.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence. The
petitioners are not named in the FIR, rather their name has



surfaced in this case by virtue of confessional statement of co-accused. Neither any incriminating article has been recovered from the possession of the petitioners nor they have been put on Test Identification Parade. The only thing which is against these petitioners is that some photographs have been shown to one of the accused who identified the petitioners and suggested about commission of crime. Identifying the petitioners from the photographs is one aspect of the matter and putting them in Test Identification Parade is another aspect of the matter, but as per his knowledge no Test Identification Parade has been done. He further submits that the petitioners are in custody since 15.11.2022 and petitioner no.1 is accused in one more criminal case whereas petitioner no.2 is accused in two more criminal cases, but they are on bail in those cases.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that antecedent of the petitioners are not clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be released on 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 ACJM, Saran at Chapra, in connection with Ekma P.S. Case No. 362/2022, subject to the as laid down under section 437(3) Cr.P.C as well as following conditions:

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