

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71861 of 2022

Arising Out of PS. Case No.-246 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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1. Shrawan Kumar S/o Shtrudhan Mandal R/v- Loniachak Mahechua Ward No. - 01, P.S.- Udakishungaj, District- Madhepura
 2. Mithun Kumar S/o Shtrudhan Mandal R/v- Loniachak Mahechua Ward No. - 01, P.S.- Udakishungaj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail, who are in custody since 24.07.2022, in connection with Udakishunganj P.S. Case No. 246 of 2022, F.I.R. dated 23.07.2022 registered for the offences punishable under Sections 420, 467, 468, 379, 411 of the Indian Penal Code.

The prosecution case, in brief, is that police officer of Udakishunganj Police station got a secret information 23.07.2022 that one person was coming from a stolen motorcycle, who was apprehended and disclosed his name as Shrawan Kumar and when he demanded document he did not submit any paper. It looks that engine number and Chesis number of the motorcycle



was tampered. He disclosed that the said motorcycle belonged to one Rupesh Mandal.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that one motorcycle has been recovered from the possession of petitioner no. 1 and some part of the motorcycle has been recovered from the shop of petitioner no. 2, namely, Mithun Kumar. He further submits that the petitioners have a business of *kabadi* so he purchased the scrap item of the motorcycle and other articles and hence the recovery has been made from the possession of the so-called petitioner no. 2. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 24.07.2022.

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

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Udakishunganj, Madhepura in connection with Udakishunganj P.S. Case No. 246 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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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