

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74949 of 2022

Arising Out of PS. Case No.-9 Year-2016 Thana- CHAPRA MUFFASIL District- Saran

1. BADAL KHAN Son of Hasain Khan Resident of village - Khardah (M), P.S.- Murliganj, District - Uttar 24 Pargana, Kolkata, West Bengal (W.B)
2. Sahinoor Son of Majour Rahman Resident of village - Nawlakhiya Wakalpura, P.S.- Kishunganj, District - Dhaka, Bangladesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Rajiv Nayan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 01-05-2023 Heard learned counsel for the petitioners as well as
learned APP for the State.

In this case, the petitioners are seeking regular bail in connection with Chapra Muffasil P.S. Case No. 09 of 2016, registered for the offences punishable under Sections 395 and 397 of the IPC and later on charge sheet has been submitted under Section 395, 397 and 412 of the IPC.

As per allegation, the sleeping of the informant was interrupted on unusual sound. When he went out of his room, he saw 8-10 miscreants equipped with stick, knife, torch, etc. They forcibly captivated him and committed loot in his house. While retreating, they were uttering “*Upendra bhaag re*”. Later on, the



informant came to know that in earlier night also, this gang had committed dacoity in the house of one Awadesh Singh.

The learned counsel for the petitioners has submitted that petitioners are innocent and have falsely been implicated in this case. Nothing was recovered from their possession. They are under custody since 25.03.2022. He has submitted further that on similar footing, co-accused Rajesh Nut has been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 27385 of 2016.

Considering the above-mentioned facts and circumstances, let the petitioners above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 09 of 2016, subject to the following conditions:-

(i) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(ii) If the petitioners are found involved in future in the similar type of offence, the prosecution will have liberty to file an application



before the court below for cancellation of the bail of the petitioners and the learned court below will take decision in accordance with law.

(iii) The petitioners shall present physically on each and every date before the court below till framing of the charges.

(Nawneet Kumar Pandey, J)

Kundan/Sudha

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