

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1091 of 2023

Arising Out of PS. Case No.-535 Year-2022 Thana- PATRAKARNAGAR District- Patna

SANTOSH KUMAR Son of Shankar Prasad R/o Vill.- Paroha, P.S.- Manpur,
Dist.- Nalanda

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 75181 of 2022

Arising Out of PS. Case No.-535 Year-2022 Thana- PATRAKARNAGAR District- Patna

PRASHANT KUMAR Son of Arvind Kumar R/v- Surajpur, P.S.- Hulasganj,
Dist- Jahanabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1091 of 2023)

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 75181 of 2022)

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 28-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
07.09.2022 in connection with Patrakar Nagar P.S. Case No. 535
of 2022, F.I.R. dated 06.09.2022 for the offences punishable
under Sections 420, 467, 468, 471, 474, 120(B) of the Indian



Penal Code and under Section 66(C) of I.T. Act.

According to prosecution case, in brief, is that on 06.09.2022 self statement of Inspector Manoranjan Bharti, Patrakar Nagar P.S., Patna alleging therein that on 06.09.2022 at 14.30 O'clock caught the above named petitioners who were turned their motorcycle by seeing the police vehicle and in presence of the two witnesses some A.T.M. and other documents has been seized along with cash, motorcycle and other documents.

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 allegation as alleged in the F.I.R. is false and fabricated and as per F.I.R. some incriminating article has been recovered from the possession of these petitioners. He further submits that nothing has been recovered from the conscious possession of the petitioner, rather the police has planted the same and shown the recovery from the possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 07.09.2022.

The learned Additional Public Prosecutor for the State



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, **after framing of charge**, 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, Patna in connection with Patrakar Nagar P.S. Case No. 535 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 tamper 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)

mdrashid/-

U		T	
---	--	---	--

