

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73590 of 2023

Arising Out of PS. Case No.-201 Year-2023 Thana- AURAI District- Muzaffarpur

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1. UMESH KUMAR S/O NAVAL KISHOR RAY R/O VILLAGE-BARHETA, P.S- MAHINDWARA, DISTT.- SITAMARHI.
 2. RAJESH KUMAR @ GOGIT S/O RAJENDRA RAI R/O VILLAGE-BARHETA, P.S- MAHINDWARA, DISTT.- SITAMARHI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishwajeet Singh
For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-11-2023 Learned counsel for the petitioners is permitted to make necessary correction in para 15 of bail petition filed on behalf of the petitioners during the course of the day.

2. Heard learned counsel for the petitioners and learned A.P.P. for the State.

3. The petitioners seek bail in connection with Aurai P.S. Case No. 201 of 2023 registered for the offences punishable under Sections 414 and 34 of the IPC.

4. As per prosecution case, petitioners were apprehended with apache motorcycle in question alongwith mobile phones.

5. Learned counsel for the petitioner submits that



petitioners are in custody since 30.08.2023 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no case of theft is registered against the said seized motorcycle and seized mobile phones are the personal property of the petitioners. Learned counsel for the petitioners further submits that no incriminating article has been recovered from the conscious possession of the petitioners. Petitioners are quite innocent and have falsely been implicated in the case. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioners under the aforesaid sections.

6. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

7. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner 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 J.M. 1st Class, Muzaffarpur (east) or his successor in connection with Aurai P.S. Case No. 201 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

iii) 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.

(Alok Kumar Pandey, J)

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