

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73483 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- BHAGWANPUR District- Vaishali

Kanhai Kumar @ Kanhai Sahani S/o Prabodhi Sahani @ Ram Prabodh
Sahani R/v- Inayatnagar, P.S.- Goraul, in the district of Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74495 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- BHAGWANPUR District- Vaishali

Shakti Kumar Son of Manoj Rajak R/V- Prabha Bathana, P.S- Kurhani, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 73483 of 2022)

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

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

(In CRIMINAL MISCELLANEOUS No. 74495 of 2022)

For the Petitioner/s : Mr. Vishnua Mohan Kumar Sinha, Advocate

Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail who are in custody since



21.09.2022 in connection with Bhagwanpur P.S. Case No. 145 of 2022, F.I.R. dated 12.06.2022 for the offences punishable under Section 392 of the Indian Penal Code but the police after investigation submitted the charge sheet against the petitioners under Section 395 and 412 of the Indian Penal Code.

According to prosecution case, all the accused persons including the petitioners riding motorcycle stopped the informant and snatched his motorcycle, mobile phone, laptop, etc. at the point of pistol while he was returning from Rahul's house.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. He further submits that the petitioners were not named in the F.I.R. and the name of the petitioners have transpired on the basis of the confessional statement of the co-accused person, namely, Vikash Kumar who is full brother of the petitioner no. 1 namely, Kanhai Kumar @ Kanhai Sahani. He further submits that on the basis of the confessional statement of the co-accused person, one motorcycle and one mobile phone have been recovered from the house of the petitioner no. 1, namely, Kanhai Kumar @ Kanhai Sahani and the parts of the looted motorcycle has been recovered from the workshop of the petitioner no. 2, namely,



Shakti Kumar. He further submits that there is non-compliance of Section 100 of the Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 21.09.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no. 1, namely, Kanhai Kumar @ Kanhai Sahani carries 3 criminal antecedents and petitioner no. 2, namely, Shakti Kumar carries 1 criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 145 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 tampers 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)

Vanisha/-

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

