

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74643 of 2022

Arising Out of PS. Case No.-473 Year-2022 Thana- BARAUNI District- Begusarai

1. Deepak Kumar @ Kari @ Deepak S/o Surendra Singh @ Sulo R/o Village-Papraur, Ward no. 02, P.S.- Barauni, Distt- Begusarai.
2. Guddu Kumar @ Aashish Raj @ Guddu S/o Lallu Raj @ Lallu R/o Village-Papraur, Ward no. 02, P.S.- Barauni, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 01.11.2022 in connection with Barauni P.S. Case No. 473 of 2022, F.I.R. dated 14.10.2022 for the offences punishable under Sections 461, 379 of the Indian Penal Code.

According to prosecution case, some accused persons committed theft in the factory-cum-residential accommodation of the informant and a number of household articles and ornaments were stolen away. The informant mentioned the name of eight persons including the petitioner with allegation that they had committed theft in his factory-cum-house.



Learned counsel for the petitioners submits that petitioner no.1 carries one criminal antecedent other than the present one and petitioner no.2 has clean antecedent and they have falsely been implicated in the present case. He further submits that as per allegation as alleged in the F.I.R. that there is specific allegation against these petitioners that they have committed theft. He further submits that nothing theft article has been recovered from the conscious possession or the house of the petitioners and it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 09.10.2022 but the present F.I.R. was instituted on 14.10.2022 after delay of four days without any explanation of delay. He further submits that similarly situated, co-accused, namely, Bittu Kahar @ Bittu Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 14.03.2023 passed in Cr. Misc. No. 66246 of 2022 and another co-accused, namely, Akhilesh Pathak @ Akhilesh Kumar has been granted bail by a coordinate Bench of this Hon'ble Court vide order dated 27.03.2023 passed in Cr. Misc. No. 70509 of 2022. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 01.11.2022.



The learned counsel for the informant and learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.1 carries one criminal antecedent other than the present one and petitioner no.2 has clean antecedent.

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, Begusarai in connection with Barauni P.S. Case No. 473 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)

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