

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9870 of 2024

Arising Out of PS. Case No.-123 Year-2023 Thana- BARACHATTI District- Gaya

1. Mithlesh Kumar S/O Shankar Chaudhary R/O Village- Naudiha, Jhurang, P.S- Fatehpur, Distt.- Gaya.
2. Jitendra Kumar @ Jitendra Chaudhary S/O Naresh Chaudhary R/O Village- Naudiha, Jhurang, P.S- Fatehpur, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr. Praveen Kumar, learned counsel for the petitioners and Mr. Damodar Prasad Tiwary, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Barachatti (Mohanpur) P.S. Case No. 123 of 2023, F.I.R. dated 31.01.2023 for the offences punishable under Sections 379 and 411 of the Indian Penal Code.

3. According to prosecution case, petitioners are said to have tried to steal the tractor of the informant.

4. 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 name



of the petitioner has been transpired on the basis of the disclosure made by the co-accused person, namely, Kapil Kumar. He further submits that from bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 29.01.2023 but the present FIR instituted on 31.01.2023 after delay of two days without giving any explanation for the delay. He further submits that except the confessional statement of the co-accused person, no other material has come during the investigation to suggest the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 2nd, Sherghati, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 123 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



i. 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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 bonds 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)

ajay/-

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

