

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29415 of 2024

Arising Out of PS. Case No.-260 Year-2023 Thana- AMNAUR District- Saran

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1. Prayag Giri Son of Upendra Giri Resident of Village- Repura, P.S- Marhaura, Dist.- Saran
 2. Dhanjiv Kumar Son of Manger Mahto @ Manager Prasad Resident of Village- Repura, P.S- Marhaura, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Amnour P.S. Case No. 260 of 2023 dated 21.10.2023, instituted
for the offence punishable under Sections 394 of the Indian
Penal Code.

3. The prosecution case, in short, is that, when the
informant was returning from his shop in the evening of
20.10.2023 then on the way, three unknown persons assaulted
him and snatched Rs. 15,000/-, keys of his shop and mobile
phone.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the F.I.R. has been lodged against three unknown persons and only on the basis of confessional statement of co-accused Abhay Kumar and Saheb Kumar, the petitioners have been made accused in this case. It is further stated that nothing has been recovered either from the conscious possession of the petitioners or from house of the petitioners. It is further submitted that prayer of the petitioners has been rejected only due to their criminal antecedents. Lastly, it has been submitted that the petitioner no. 1 has two criminal cases against him and petitioner no. 2 has three criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Amnour P.S. Case No. 260 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VIII, Saran at



Chapra, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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