

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35980 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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1. Shambhu Yadav @ Shambhu Kumar Yadav Son of Rajdev Yadav @ Upendra Yadav @ Bhanu Yadav Permanent resident of Village - Arha, P.S.- Jaynagar, District - Madhubani, at present resident of Village - Budhaura, P.S.- Khiraunaa, District - Siraha (Nepal).
 2. Pappu Kumar Yadav Son of Ram Kumar Yadav @ Ramkumar Yadav Permanent resident of Village - Arha, P.S.- Jaynagar, District - Madhubani, at present resident of Village - Budhaura, P.S.- Khiraunaa, District - Siraha (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-13, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 26-11-2024

Heard the parties.

2. The petitioners are in custody in connection with L.N.M.U. P.S. Case No. 55 of 2024 for the offence under Sections 379, 411 of the Indian Penal Code lodged on 14.02.2024 by the informant, Ashok Kumar.

3. As per the prosecution story, the informant, a police personnel alleged that during the patrolling duty, he saw two vehicles. Upon instruction to stop, they tried to escape but were apprehended. Both were on separate vehicle, one Bolero having West Bengal number while the other Hyundai car having Delhi



number. As they failed to provide any valid paper, the vehicles were sized and they were taken into custody which led to the F.I.R.

4. Learned counsel for the petitioners submit that though they are citizen of Nepal, have come only to meet their relatives in Madhubani (India), have no role to play in the alleged recovery/seizure of the vehicles. Further, they are in custody since 14.02.2024 (para-16 of the petition), if granted relief they shall ensure to diligently appear in the trial and will not indulge in any such activity again.

5. Learned APP opposes the prayer for bail submitting that they have criminal antecedent.

6. Considering the submission put forwarded by the parties as also the fact that they have remained in custody 14.02.2024 and undertaking has been given that they shall be diligently appear in the trial, in that background, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Darbhanga in connection with L.N.M.U. P.S. Case No. 55 of 2024 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and the failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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