

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78007 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- SARAI District- Vaishali

Nehal Kumar S/O Santosh Kumar Singh R/O village - Anjani, P. S - Sarai,
District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 80676 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- SARAI District- Vaishali

Munna Kumar @ Munna Kumar Singh Son of Late Garibnath Singh @ Late
Gariban Singh Resident of village- Akhityarpur Patedha, ps- Sarai, Dist-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 78007 of 2024)
For the Petitioner/s : Mr.Hemant Kumar
For the Opposite Party/s : Mr. Ahmad Ali
(In CRIMINAL MISCELLANEOUS No. 80676 of 2024)
For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-12-2024 Considering the fact that both the applications are
arising out of the same police station and, as such, with the
consent of the parties, the same are being heard together and
disposed off by this common order.

2. Heard learned Advocate for the petitioners and
learned Additional Public Prosecutor for the State.



3. Applications for grant of bail to the petitioners, who are in custody in connection with Sarai P.S. Case No. 65 of 2024, registered for the offences punishable under Sections 379/34 of the Indian Penal Code.

4. Allegedly while the informant was purchasing some goods by parking his splendor plus motorcycle bearing Registration No. BR31AV-3114, he found that some unknown miscreants stolen his motorcycle. On the basis of the CCTV footage, the informant identified the thief. Nearby people also disclosed the name of the petitioners as member of the gang who are involved in theft of motorcycle.

5. Learned Advocate for the petitioners contended that the entire allegation of identification of the petitioners through CCTV footage belies for the simple reason that when the petitioners were apprehended by the police they were not riding the motorcycle, which was the subject matter of the crime. It is further contended that in fact the name of the petitioners has been implicated in the case only on account of their criminal antecedent, particulars of which have been disclosed in paragraph-3. It is further contended that co-accused persons who have also been found involved in theft, they have been allowed the privilege of anticipatory bail by a co-ordinate Bench



of this Court in Cr. Misc. No. 57961 of 2024 vide order dated 04.09.2024. The petitioners have been incarcerated since 13.04.2024. The investigation of the crime is complete and the charge sheet has been submitted.

6. On the other hand, learned APP for the State vehemently opposes the bail applications.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime in question is triable by the Magistrate and now the investigation is complete and the charge sheet has been submitted; moreover other co-accused have been allowed the privilege of bail, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-XI-cum-Additional Chief Judicial Magistrate-X, Vaishali at Hajipur in connection with Sarai P.S. Case No. 65 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date



of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

Anjani/-

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