

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38336 of 2024

Arising Out of PS. Case No.-257 Year-2023 Thana- RAGHOPUR District- Vaishali

1. Lallu Mahto S/o Ballam Sahni R/o Village Banstal Kachhi Dargah, PS Nadi Deedarganj, Distt. - Patna
2. Ravi Sahni S/o Mangal Sahni @ Mangal Sahani R/o Village Banstal Kachhi Dargah, PS Nadi Deedarganj, Distt. - Patna
3. Hira Sahni S/o Mangal Sahni @ Mangal Sahani R/o Village Banstal Kachhi Dargah, PS Nadi Deedarganj, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mritunjay Kumar, Advocate
For the State	:	Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-06-2024 Heard Mr. Mritunjay Kumar, learned counsel for the petitioners and Mr. Zainul Abedin, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Raghapur (Rustampur O.P.) P.S. Case No. 257 of 2023, F.I.R. dated 26.10.2023 for the offences punishable under Sections 379 of the Indian Penal Code.

3. According to prosecution case, on 26.10.2023 at about 01:00 AM, 10-12 unknown miscreants armed with *lathi* and *danda* reached near pillar no.4 of New Ganga Setu Pariyojna, Kachi Dargah, Patna to Bidupur of informant's



company and tied the two security guard's hands, leg and both eyes, threatened them of their life and took away 70 metre Depric copper cable.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the petitioners are not named in the FIR, the name of the petitioners have been transpired during the investigation on the basis of the confessional statement of the co-accused persons, namely, Vikku Kumar and Bhola Kumar. He further submits that except the aforesaid no other cogent material has come during the investigation to suggest the involvement of the petitioners in the present case.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that the names of the petitioners have been transpired on the basis of the disclosure made by the co-accused person apart from that petitioners carry one criminal antecedent other than the present one in similar nature of the offence.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their 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 Chief Judicial Magistrate in connection with Raghapur (Rustampur O.P.) P.S. Case No. 257 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)

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