

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44101 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- ASANWA District- Siwan

1. Kanhaiya Mishra Son of Subash Mishra R/O Vill.- Asawn, P.S.- Asawn, Dist.- Siwan
2. Gobinda Basfor @ Govinda Bansfore Son of Birendra Bansfore R/O Vill.- Asawn, P.S.- Asawn, Dist.- Siwan
3. Sunil Basfor @ Sunil Bansfore Son of Birendra Bansfore R/O Vill.- Asawn, P.S.- Asawn, Dist.- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 03-07-2024 Heard learned counsel appearing on behalf of the

petitioners and the learned APP for the State.

2. The petitioners seek regular bail, who are in custody since 11.04.2024 in connection with Asaw P.S. Case No. 33 of 2024 registered for the offence punishable under Sections 413, 414, 34 of the Indian Penal Code.

3. In course of patrolling the petitioners were apprehended by the police personnel, who were coming on two motorcycles. Subsequently, the petitioners disclosed that the recovered motorcycles are stolen.

4. Learned counsel appearing on behalf of the petitioners contended that apart from the various discrepancies in the search and seizure, it is the fact that there is no FIR in



relation to theft of the motorcycles, preceding the present FIR; and as such no offence u/ss 413 and 414 of the Indian Penal Code is not made out. He further submitted that the petitioners are men of fair antecedent and as such application of Section 413 of the Indian Penal Code does not arise; the petitioner is not a habitual offender and engaged in dealing with the stolen property. Adverting to the aforesaid facts it is also contended that now the petitioners are in custody since 11.04.2024 and the charge-sheet has been submitted and such there is no chance of any tampering of the evidence and intimidating the witnesses.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioners were apprehended with the stolen property.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of crime is complete and the charge-sheet has been submitted coupled with the fair antecedent of the petitioners, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Siwan in connection with Asaw P.S. Case No. 33 of 2024, , subject to the condition



that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

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

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He 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, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. 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.

7. The application stands allowed.

(Harish Kumar, J)

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