

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47115 of 2024

Arising Out of PS. Case No.-596 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Vikash Kumar S/O Bhagnarayan Ram R/O Village- Kataha, P.S.- Muffasil Motihari, Distt.- East Champaran.
 2. Ranjit Kumar @ Ranjeet Kumar S/O Indal Ram R/O Village- Kataha, P.S.- Muffasil Motihari, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard the learned Advocate for the petitioners and the
learned APP for the State.

2. The petitioners seeks regular bail, who are in custody in connection with Muffasil Motihari P.S. Case No. 596 of 2023, registered for the offence punishable under Section 392 of the Indian Penal Code.

3. Allegedly, while the informant was going to his house on motorcycle, in the meantime, four persons riding on two motorcycles overtook him and on the point of pistol, snatched the motorcycle as well as the bag containing three lakhs rupees.

4. Learned Advocate for the petitioners contended that the FIR was instituted against unknown miscreants,



however, during the course of investigation, some of the co-accused persons have been apprehended by the police and on their disclosure, the name of the petitioners surfaced and made accused in this case. It is further contended that the narratives of the FIR clearly demonstrates that the occurrence has taken place on 18.08.2023, but surprisingly the FIR has been instituted on 20.08.2023, after delay of two days, without there being any plausible reason. The petitioners bear two criminal antecedent and in fact this is the reason, the name of the petitioners have been implicated in this case. That apart, the petitioners have neither been put on Test Identification Parade nor any incriminating material has been recovered from their possession. Though the petitioners are in judicial custody since 30.03.2024 and 02.04.2024, respectively.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the name of the petitioner has surfaced during the course of investigation. Besides, the petitioners are having two criminal antecedent of identical nature.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the fact that the petitioners have not been put on Test



Identification Parade nor any incriminating material has been recovered, coupled with the fact that the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioners, named above, 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 Additional Sessions Judge-19th, East Champaran at Motihari in connection with Muffasil Motihari P.S. Case No. 596 of 2023, subject to the condition that one of the bailors will be the close relatives 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)

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