

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56346 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- SAHIYARA District- Sitamarhi

1. Arvind Kumar Son of Rajendra Sah, R/O Vill.- Majorganj, P.S.- Majorganj, Dist.- Sitamarhi.
2. Manoj Kumar Son of Vinod Roy, R/O Vill.- Majorganj, P.S.- Majorganj, Dist.- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ayush Kumar, Advocate
For the Opposite Party : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2024 Heard Mr. Ayush Kumar, the learned counsel for the petitioners and Ms. Rita Verma, the learned Additional Public Prosecutor for the State.

2. Petitioners seek regular bail who are in custody since 08.05.2024, in connection with Sahiyara P.S. Case No. 55 of 2024, FIR dated 02.05.2024, registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code and under Section 27 of Arms Act.

3. According to the prosecution case, after collecting cash Rs. 12,00,000/- (Rupees twelve lakhs only) from one Shambhu ji, the informant was going to village and at pokharbhinda more, five to six unknown persons snatched away



his money and also shot at his abdomen.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that petitioners are not named in the FIR and name of petitioners transpired during investigation on the basis of self-confessional statements of the petitioners. He further submits that from bare perusal of the FIR, it appears that date of alleged occurrence is on 30.04.2024, but the date of institution of FIR is on 02.05.2024, after a delay of two days without giving any explanation for the delay. He further submits that till date no test identification parade has been conducted by the prosecution. He lastly submits that the police after investigation has submitted the charge sheet against the petitioners and the petitioners are in custody since 08.05.2024.

5. The learned Additional Public Prosecutor for the State on the other hand on the basis of materials available on record and case diary has vehemently opposed the prayer for bail of the petitioners and submits that on the basis of self-confessional statements of the petitioners, Rs. 88,000/- (Rupees eighty-eight thousand only) has been recovered from the co-accused person namely, Raees Sah and Rs. 10,000/- (Rupees ten



thousand only) has been recovered from petitioner no. 2, namely, Manoj Kumar.

6. Considering the aforesaid facts and circumstances, let the petitioners, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sitamarhi, in connection with **Sahiyara P.S. Case No. 55 of 2024**, subject to the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court shall



take step for cancellation of bail bond 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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