

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61505 of 2024

Arising Out of PS. Case No.-115 Year-2024 Thana- RAHUI District- Nalanda

1. Naresh Yadav @ Naresh Kumar
2. Nitish Kumar @ Rakesh
Both Sons of Beni Yadav Resident of Village-Orra, P.S.- Rahui, District -Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar, Advocate
: Mr. Abhinav Pandey, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2024 Heard Mr.Dhananjay Kumar, learned counsel for the petitioners and Mr.Bhanu Pratap Singh, learned A.P.P. for the State.

2. The petitioners seek bail, who are in custody since 27.03.2024 in connection with Rahui P.S.Case No.115 of 2024, F.I.R. dated 05.03.2024 registered for the offence punishable under Section 341,323,448,384,307,379,506 of the Indian Penal Code and Section 27 of Arms Act.

3.Prosecution case, in brief, as contained in the written report of informant Vishnudeo Prasad Singh is that informant is resident of Mohalla Narsaliganj, Naisarai and his house and land is at ancestral village Ora but he is living at



Biharsharif and usually go and come to village Ora. On 03.03.2024, he got information from villagers that at village Ora, F.I.R. named accused persons including the petitioners stolen the articles from his ancestral house after breaking the lock. On this information, informant along with his family members reached there and asked from Naresh Kumar then he threatened and demanded ransom Rs. 5 lakh otherwise, they will kill his entire family members. Naresh Kumar and Nitish Kumar @ Rakesh Kumar fire shots upon the Informant with intent to kill him but anyhow he saved his life. Cash Rs. 30,000/- and jewellery worth Rs. 3 lakh have been stolen from his house.

4. Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and the police, after investigation, submitted final form not sent up for trial to the petitioners vide Final Report No.24 of 2024 dated 30.06.2024 but the learned court below, disagreeing with the final form submitted by the prosecution, took cognizance vide order dated 08.07.2024 against the petitioners and the petitioners are in custody since 27.03.2024.



5. Learned APP for the State has opposed the prayer for bail of the petitioners and submits that the petitioners carry two more cases other than the present one but fairly submits that out of two cases, the petitioners are on bail in one case and rest one case is pending for consideration, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Nalanda at Biharsharif in connection with Rahui P.S.Case No.115 of 2024, with the 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 their absence on two consecutive dates without sufficient reason, their 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 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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