

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72705 of 2024

Arising Out of PS. Case No.-220 Year-2024 Thana- KAMTAUL District- Darbhanga

1. Fateh Singh S/o Lal Singh R/o village- Milkiya, P.S- Nigohi, Dist- Shahjahanpur (U.P.)
2. Nokhe S/o Ganga Ram R/o village- Milkiya, P.S- Nigohi, Dist- Shahjahanpur (U.P.)
3. Mangal Singh S/o Sama Singh R/o village- Milkiya, P.S- Nigohi, Dist- Shahjahanpur (U.P.)
4. Mangal Singh S/o Narayan Singh R/o village- Balrampur, P.S- Nigohi, Dist- Shahjahanpur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Praveen
For the Opposite Party/s : Mr. Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with
Kamtaul P.S. Case No. 220/2024 registered for the offences
punishable under Sections 331(4), 305 of the Bhartiya Nyaya
Sanhita (BNS), 2023.

3. As per prosecution case, on 02.08.2024 at about
1.00-2.00 AM in the night some persons had broken the lock of
informant's room and took away ornaments worth Rs.5,00,000/-
and cash of Rs.25,000/- alongwith documents relating to land.



The informant came to know that the same occurrence took place in the house of Ravi Ranjan Kumar Thakur and the accused persons said to have stolen five silver coin, five silver bettle leaf, five silver nut and cash of Rs.9,000/-

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. The occurrence took place on 02.08.2024 at about 2.00 AM and FIR has been lodged on 03.08.2024 in the evening at about 18.30 PM and the same has been submitted before the court on 08.08.2024. The very initial delay in lodging FIR casts doubt on the authenticity of FIR and also delay in production of F.I.R. before the concerned court shows the high- handedness of the police. No incriminating article has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 13.08.2024 and bear no criminal antecedent. He further submits that the petitioners are resident of UP and they are related to same locality and have falsely been implicated in this case at the instance of the persons of vested interest and there is no cogent material available against the petitioners to prove their complicity with the alleged occurrence. He further submits that the seizure list indicates that all the recovered materials are of general use like house



hold articles and they can be easily recovered from any house and the same articles has not been put on T.I.P. uptill now.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody and keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named 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 the learned A.C.J.M.-V, Darbhanga in connection with Kamtaul P.S. Case No. 220/2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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