

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83728 of 2024

Arising Out of PS. Case No.-225 Year-2024 Thana- BARAULI District- Gopalganj

1. Santosh Kumar Son of Sri Sukhdev Sharma Resident of village- Mardapur PS -Muffasil Distt -Siwan
2. Ravi Kumar Singh son of Sri Vyas Singh @ Byas Singh Resident of village- Mardapur PS -Muffasil Distt -Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmveer, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-12-2024 Heard Mr. Dharmveer, learned counsel for the
petitioners and the State.

2. The petitioners are in judicial custody in connection with Barauli P.S. Case No. 225 of 2024 for the offences punishable under Sections 303(2)/317(5)/318(4)/61(2) of the BNS, lodged on 05.09.2024 by the informant, Sandeep Kumar.

3. As per the prosecution story, the informant alleged that on secret information, a Creta Car having UP registration number was intercepted and there is recovery/seizure of 200.12 Grams of Gold from four trolley bags in the following manner:-

- (i) 50.010 Grams;
- (ii) 48,720 Grams;
- (iii) 49.910 Grams and,
- (iv) 51.480 Grams.



The FSL team came and collected the samples, the accused persons present in the car disclosed that this belongs to the maternal uncle of petitioner no.2, Ravi Kumar Singh, namely, Santosh Kumar Singh and on his direction, it was received at Lucknow airport and they are going to deliver it to his home at Siwan, when intercepted. This led to the FIR/arrest.

4. It is the case of the petitioners that under bona fide belief that four trolley bags delivered at Lucknow airport belong to their maternal uncle, Santosh Kumar Singh were to be delivered to him as requested little realizing that it has gold. Both of them do not have criminal antecedent and are in custody since 06.09.2024 (para-4 of the petition), young, students.

5. Learned APP opposes the prayer submitting that a huge quantity of gold has been recovered during the interception of the bags.

6. Considering the submissions put forward by the parties as also the fact that the allegation relates to theft/stolen property, the case of the petitioners is/are that it belongs to Santosh Kumar Singh, both are young persons, have remained in custody since 06.09.2024 having no criminal antecedent, this Court is inclined to extend them the privilege of bail.

8. Let the petitioners, above named, be released on



bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gopalganj/the court concerned in connection with aforesaid P.S. Case subject to the following conditions:

- (i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show his bona fide;
- (ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;
- (iii) the petitioner shall appear before the concerned police station every month for next six months to mark their attendance;
- (iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;
- (v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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