

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6613 of 2024

Arising Out of PS. Case No.-169 Year-2021 Thana- NOORSARAI District- Nalanda

1. Gorelal Yadav S/O Karu Yadav R/O Village- Mushepur, P.S- Rahui, Bhaganbigha, Distt.- Nalanda.
2. Golu Yadav @ Golu @ Pothana @ Pothana Yadav S/O Karu Yadav R/O Village- Mushepur, P.S- Rahui, Bhaganbigha, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Advocate
For the State	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 19-04-2024 Learned counsel for the petitioners is permitted to correct para-3 of the bail petition in course of the day.

2. Heard Mr. Anil Kumar Singh, learned counsel for the petitioners and Mr. Bharat Bhushan, learned A.P.P. for the State.

3. Petitioners seek bail in connection with Noorsarai P.S. Case No. 169 of 2021 registered for the offence under Sections 394, 395 and 412 of the Indian Penal Code.

4. The petitioners along with others are alleged to have assaulted the informant and his friends and stolen away the mobile phones and key of the truck.

5. Learned counsel appearing for the petitioners submits that the petitioners are innocent and they have falsely



been implicated in this case. He further submits that initially the petitioners are not named in the F.I.R. and the name of the petitioners transpired during the investigation on the basis of the confessional statement of the co-accused person, namely, Manish Kumar, Akhilesh Kumar, Mukesh Kumar and Ganesh Kumar and thereafter the petitioners have also confessed their guilt in the present occurrence and nothing has been recovered from the conscious possession of the petitioners. He further submits that except the confessional statement of the co-accused persons and self confessional statement of the petitioners no other material has come during the investigation to suggest the involvement of the petitioners in the present case. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners and till date no TIP has been conducted by the prosecution. The petitioners are rotting in judicial custody since 20.10.2022.

6. Learned A.P.P. for the State, on the other hand, on the basis of the material available on the record in the case diary has opposed the prayer for bail of the petitioners and submits that it has come during the investigation that the petitioners are involved in the present crime in question and petitioners have also confessed their guilt in the present occurrence and apart



from that petitioners carry 6 cases other than the present one.

7. Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- VII, Nalanda at Biharsharif in connection with Noorsarai P.S. Case No. 169 of 2021 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 bonds shall be canceled 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.

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 antecedents, 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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