

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4492 of 2025

Arising Out of PS. Case No.-333 Year-2022 Thana- SAMASTIPUR District- Samastipur

1. Aayush Tati @ Aaysuh Tanti S/o- Late Badal Tati @ Late Badal Tanti Village- Ps- Dist- Gola Ghat Gola, Assam
2. Deepu Kumar S/o- Late Krishna Rai Village- Nawada Ps- Phulwari Sharif Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kahkashan Alam, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-02-2025 Heard Learned Counsel for the petitioners and
Learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with
S.Tr. No.117 of 2024, arising out of Samastipur Town P.S. Case
No.333 of 2022 lodged under Section 395 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against unknown accused persons against whom there is
allegation of *dacoity* from the house of the informant.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence. He
submits that the petitioners are not named in the F.I.R. and their
names have been figured in this case by virtue of confessional



statement of co-accused persons. Nothing incriminating has been recovered from the possession of the petitioners except confessional statement.

5. Counsel for the petitioners submits that petitioners are in custody since 12.05.2023 and petitioner No.1 has two criminal antecedent and petitioner No.2 has three criminal antecedent, which are cases pending against them and in all cases, they are on bail. He further submits that the from the rejection order, it becomes clear that the charge has already been framed in this case.

6. Counsel also submits that the other co-accused persons has been granted bail by this Court *vide* order dated 28.05.2024 passed in Cr. Misc. No. 30374/2024.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail, **but only after framing of charge, if not framed**, as well as on being satisfied by the trial court that the petitioners are not absconding in any of the cases which are pending against them whose details are mentioned below, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand)



with two sureties of the like amount each to the satisfaction of Addl. District and Sessions Judge-I, Samastipur in connection with S.Tr. No.117 of 2024, arising out of Samastipur Town P.S. Case No.333 of 2022, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *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 their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.



9. The details of the cases which are pending against petitioner No.1 are as follows:-

- i. Nagar P.S. Case No.85 of 2023.
- ii. Tajpur P.S. Case No.587 of 2022.

10. The details of the cases which are pending against petitioner No.2 are as follows:-

- (i) Samastipur Town P.S. Case No.85 of 2023.
- (ii) Bihta P.S. Case No.447 of 2015.
- (iii) Tajpur P.S. Case No.587 of 2022.

(Dr. Anshuman, J.)

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