

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.532 of 2025

Arising Out of PS. Case No.-321 Year-2024 Thana- SUGAULI District- East Champaran

1. Akhtar Khan S/o Late Kamil Khan R/o Vill- Nakardei, P.S.- Sugauli, Distt.- East Champaran
2. Babu Khan @ Babul Khan S/o Late Kamil Khan R/o Vill- Nakardei, P.S.- Sugauli, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2025 Heard Mr. Rajeev Ranjan, learned counsel for the

petitioners as well as Mr. Madan Kumar, learned A.P.P. for the

State.

2. The petitioners seek bail, who are in custody since 15.09.2024, in connection with Sugauli P.S. Case No. 321 of 2024, FIR dated 19.07.2024 registered for the offence under Sections 126(2), 115, 118(1), 117(2), 109, 303(2) & 3(5) of the Bhartiya Nayay Sanhita, 2023 and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioners have snatched the money from the family members of the informant.

4. Learned counsel appearing for the petitioners submit that the petitioners are innocent and they have falsely been implicated in this case. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation



of any assault or overt act attributed against the petitioners rather there is specific allegation against the petitioners that they have snatched some amount from the family members of the informant. He further submits that although there is specific allegation of assault is attributed against the co-accused persons but from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act against the petitioners. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. Petitioners are rotting in judicial custody since 15.09.2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners carry one more case other than the present one.

6. Considering the aforesaid facts that there is no specific allegation of any assault or overt act against the petitioners, 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 J.M.F.C., East Champaran at Motihari in connection with Sugauli P.S. Case No. 321 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 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 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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