

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36971 of 2015

Arising Out of PS.Case No. -451 Year- 2015 Thana -PHULWARI District- PATNA

1. Sushil Kumar Son of Ashok Sharma
2. Subandhu Kumar son of late sohan Choudhary Both resident of Village- Govindpur laxman tola Police station- Phulwari Sharif, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Prasad

For the Opposite Party/s : Mr. Iftekhar Mahmood (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 31-08-2015 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are languishing in jail since 02.07.2015 in a case registered for offences punishable under Sections 392 of the Indian Penal Code.

The prosecution case according to the F.I.R. is that one Bhogi Yadav, driver of truck bearing Registration no. BR- 76E-0663 informed that he was going to load his truck at Jalpura on 30.06.2015 and in the morning of 1.06.2015 when he reached near Balmi Govindpur more at 3.00 A.M. then all the three persons came with motorcycle suddenly in front of his truck and forcibly stopped his truck and two persons damaged the glass of truck by

stoning and they got inside the cabin of the truck and they committed loot of Rs. 18,000/- from the informant and Rs. 1000/- from his Khalasi (cleaner). In the meantime police jeep arrived there and after seeing the police, they started fleeing away.

It is further alleged that when the informant was raising alarm, then the police came and seized their motorcycle and also arrested the petitioners and on interrogation, they disclosed their names and also disclosed the name of his one associate, who fled away with the money, namely Nishant Kumar.

It has been submitted by the petitioners that they are innocent and have committed no offence. It has been further submitted that the petitioner have clean antecedent and have not been put on Test Identification parade till now and no indiscriminating articles have been recovered from their possession.

In view of the facts and circumstances, let the petitioners, namely, Sushil Kumar and Subandhu Kumar be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Shri Jyoti Prakash, learned Judicial Magistrate, 1st class, Patna in connection with Phulwari Sharif P. S. Case No. 451 of 2015, subject to the conditions hereunder:-



- I) One of the bailors will be the close relative of the petitioners.
- II) The petitioners will not indulge in similar or in any other offence.
- III) The petitioners will be well represented in the Court.
- IV) In case of absence for two consecutive dates or in violation of the terms of the bail, their bail bond will be liable to be cancelled by the Court concerned.

(Nilu Agrawal, J)

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