

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.58417 of 2015**

Arising Out of PS.Case No. -732 Year- 2015 Thana -MOTIHARI TOWN District-  
EASTCHAMPARAN(MOTIHARI)

- =====
1. Shivam Kumar Son of Binod Das R/o Mohalla-Chhatauni, P.S. Chhatauni, District-East Champaran  
2. Amit Kumar Das Son of Dilip Das R/o Mohalla-Chhatauni (Bangali Tola), P.S. Chhatauni, District-East Champaran

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anoop Ratna Arnava, -Advocate

For the Opposite Party/s : Mr. Gajendra Prasad Yadav (APP)

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**  
**ORAL ORDER**

2      05-02-2016      Heard learned counsel for the petitioners as well as  
learned APP.

It has been alleged by the informant, Guria Devi that she was regularly being teased by the caller of Mobile No. 9631540863. On 30.10.2015, she was instructed to come to Motihari court whereupon, she along with her mother came and then she informed over phone regarding her arrival. Three persons came, caught hold of her and began to drag her, over which she raised alarm attracting persons who caught hold these two petitioners while one manage to escape whose name has been disclosed as Mithun Das.

Simple submission has been raised on behalf of petitioners that allegation happens to be improbable in the

background of presence of these two persons along with informant within the court premise and further, it has not been disclosed from whose possession, the mobile phone was recovered which is itself evident from the seizure list annexed with the written report.

The aforesaid seizure list also happens to be silent whether the seized mobile has number 9631540863 from which the call was made or informant had called. So, it has been submitted that it happens to be a case of misrepresentation.

Learned APP opposed the prayer for bail.

Considering the nature of the offence inconsonance with the period of detention, petitioners, namely, Shivam Kumar and Amit Kumar Das are directed to be released on bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Motihari in connection Motihari (T) PS case No. 732/2015.

**(Aditya Kumar Trivedi, J)**

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