

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54834 of 2017

Arising Out of PS.Case No. -320 Year- 2017 Thana -PURNEA SADAR District- PURNIA

- =====
1. Mithu @ Bittu, Son of Dilip Sharma.
 2. Chhotu, Son of Nares Sah.
Both R/o Village- Chouhan Tola, Gulabbag, P.S.- Sadar, District-
Purnea.
 3. Ashish Kumar, Son of Raj Kishor Yadav, of Kirishi Farm Khuskibag,
P.S.- Sadar, District- Purnea.

.... Petitioners.

Versus

The State of Bihar.

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. Abhay Kumar - 1

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

02 15-12-2017 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in Purnia Sadar P.S.
Case No. 320 of 2017 registered under Section 392/34 of the
Indian Penal Code.

As per the prosecution case, the petitioners are
said to have looted the bag of the informant containing the sale
proceeds of his shop to the tune of Rs.2 lakh on the way to his



- 2 -

house and they were identified by the locals during course of their chase. An unregistered motorcycle used in the occurrence left by the petitioners in course of retreat was produced before the police.

It is submitted by learned counsel for the petitioners that the petitioners have no concern with the said occurrence. No incriminating article has been recovered from their conscious physical possession. The aforesaid seized motorcycle is not hailing to them. Though the aforesaid motorcycle was produced and seized by the police on 12.06.2017 at 9:45 PM and the petitioners were identified by the locals at the time of chase but the F.I.R. has not been lodged on 12.06.2017 but on 13.06.2017 at 11:30 AM, which creates serious doubt about the prosecution case. As a matter of fact, the petitioners have been falsely implicated in this case due to some altercation with the informant preceding to the occurrence. The petitioners have been languishing in custody since 31.08.2017.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged 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 the



- 3 -

learned Chief Judicial Magistrate, Purnia in connection with
Purnia Sadar P.S. Case No.320 of 2017.

(Prakash Chandra Jaiswal, J)

Trivedi/-

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