

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20865 of 2019

Arising Out of PS. Case No.-162 Year-2018 Thana- KATORIYA District- Banka

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1. Dhiraj Kumar Singh, s/o Dilip Singh, Resident of Village- Bindwara, P.S.- Kasim Bazar, District- Munger.
 2. Md. Murtaza Alam, S/o Khurshid Alam @ Md. Khursid, Resident of Village- Manseri Talla, P.S.- Kasim Bazar, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nirbhay Kumar Singh

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

The petitioners are languishing in custody since 11.09.2018 in connection with Katoria P.S. Case No.162 of 2018 registered for the offences punishable under Sections 457, 380 and 411 of Indian Penal Code.

The prosecution case, as per the written report of Amit Kumar Mishra submitted to S.H.O. Katoria P.S. is to the effect that on 09.10.2018, the informant was sleeping in his house and on hearing some knocking sound he came out and saw two persons running away and jumped into the bush of the northern side of the house and flee away. Thereafter, the informant found



that an amount of Rs.24,000/- and two mobile phones are missing. Subsequently, the police came on the spot, from the nearby bush, two persons, the petitioners were apprehended.

It is submitted by learned counsel for the petitioners that the petitioners were apprehended from the bush. Admittedly, Rs. 25,000/- and two mobiles phones were taken away by the petitioners but the recovery of only Rs.13,000/- has been made, when both the petitioners were immediately apprehended from nearby the bush. Moreover, the prosecution also does not suggest the stolen mobiles phones of the informant and the recovered mobile phones from the petitioners are the same. There is nothing on record to suggest that the recovered money or mobile phones have been put on T.I. Parade till date. It is further submitted that the investigation has already been concluded and co-accused Vikash Kumar Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 18.01.2019 passed in Cr. Misc. No.6131 of 2019.

Learned A.P.P. for the State has vehemently opposed the prayer for bail and submits that the recovery was made from the possession of the petitioners and they are named in the FIR.

Considering the nature of accusation, investigation has already been concluded, co-accused Vikas Kumar Singh



has been granted bail coupled with the fact that the petitioners are not having any criminal antecedent, let the above named petitioners 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 learned Chief Judicial Magistrate, Banka in connection with Katoria P.S. Case No.162 of 2018

(Dinesh Kumar Singh, J)

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