

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34630 of 2020

Arising Out of PS. Case No.-145 Year-2020 Thana- PALASI District- Araria

1. Sohrab, aged about 19 years (M), Son of Khalil Resident of Village- Barhat, Police Station- Palasi, District- Araria.
2. Ashraf, aged about 20 years (M), Son of Md. Ainul @ Ainul Haque, Resident of Village- Barhat, Police Station- Palasi, District- Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar Rana, Advocate.
For the Opposite Party : Mr. Md. Sufiyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in a case for the offence registered under Sections 461 and 379 of the I.P.C.

The prosecution story, in brief, is that on 02-



03.05.2020, three unknown culprits have committed theft by breaking wall of the shop of the informant and stolen away *L.E.D. of L.G. and Delton Company*, several Mobile sets of different Company and several electronic and electrical appliances total worth Rs. 3,00,000/- and cash of Rs. 8,000/- from the cash box. The informant has given *C.C.T.V. footage* in *C.D. Cassette* to the police for needful trace of culprits.

It has been submitted by learned counsel for the petitioners that the petitioners are in custody since 03.06.2020 and 28.06.2020 respectively. The petitioner no. 1 has got no criminal antecedent. They have falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners are not named in the F.I.R. The name of the petitioner no. 1 has transpired in the present case in the footage of C.C.T.V. As far as petitioner no. 2 is concerned, his name has transpired on the confessional statement of petitioner no. 1. One Mobile Phone is alleged to have been recovered from petitioner no. 1 which is claimed by him to be his Mobile Phone. Neither there is recovery of any incriminating article from possession of petitioner no. 2 nor there is recovery of any stolen property from possession of



petitioner no. 2. The petitioners have not been put on T.I. Parade to ascertain their participation in the alleged occurrence.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are not named in the F.I.R.

Considering the facts and circumstances of the case, the petitioners above named, are directed to 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 the learned Additional Chief Judicial Magistrate-Ist, Araria, in connection with Palasi P.S. Case No. 145 of 2020.

(Sudhir Singh, J)

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