

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14185 of 2021

Arising Out of PS. Case No.-428 Year-2020 Thana- LAHERIYASARAI District- Darbhanga

Manoj Mishra Son of Late Rajendra Mishra Resident of Village- Sokhara,
P.S.- Phulwariya, District- Begusarai, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 14191 of 2021

Arising Out of PS. Case No.-428 Year-2020 Thana- LAHERIYASARAI District- Darbhanga

Mohar Pandey Son of Late Upendra Pandey Resident of Village - Shokhara,
P.S.- Phulwariya, District - Begusarai, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14185 of 2021)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Ms. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, Adv.

(In CRIMINAL MISCELLANEOUS No. 14191 of 2021)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Ms. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-08-2021 Heard learned counsel for the parties through video conferencing.

Both the applications having been filed for grant of regular bail in connection with Laheriyasarai P.S. case no.428 of 2020.

The petitioners have preferred the instant application



for grant of regular in a case registered under sections 399 and 402 of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act.

As per allegations in the F.I.R., it is stated by the informant that on receiving information that accused persons had entered into the State Bank of India for giving affect to an occurrence, the informant with police personnel reached there. It is stated that seeing the police personnel some of the accused hurriedly entered the bank and signaled to their accomplices. Five of them came out, got on their motorcycle and made an attempt to escape. It is stated that in course of escaping two accused persons on a motorcycle fell down and were caught and on enquiry disclosed their names as Mohar Pandey and Manoj Mishra, the petitioners herein. They disclosed the names of the other accused persons who had managed to escape. It is stated that two live cartridges was recovered from the possession of Mohar Pandey while a loaded country made pistol was recovered from the possession of Manoj Mishra.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the F.I.R are false and incorrect. No offence under section 399 or 402 of the Indian Penal Code is made out against them. They were arrested under



misunderstanding. No incriminating article has been recovered from their possession. They are in custody since 5.9.2020 and investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegations as levelled in the F.I.R. together with the petitioners having been caught at the place of occurrence with arms and ammunition, this Court is not inclined to enlarge the petitioners on bail and their application is rejected.

Liberty is granted to the petitioners to renew their prayer for bail after framing of charge.

(Partha Sarthy, J)

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