

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11448 of 2021

Arising Out of PS. Case No.-234 Year-2020 Thana- KADWA District- Katihar

1. Shamiyal Lal S/O Late Anand Lal R/O Village-H.K. Bhatta Road, Bada Talab, P.S.-BIJPUR, District-24 Pargana, Calcutta (WEST Bengal).
2. Krishna Kumar Yadav S/O Sri Bali Yadav R/O Village-Rautara, Naya Tola, P.S-Rautara, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shankar Prasad Singh

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-07-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Kadwa P.S. Case No. 234 of 2020 registered for the offence punishable under Sections 379, 411 of the Indian Penal Code.

The prosecution case is that two unknown persons arrived nearby the motorcycle of the informant, out of which one took out the case of Rs. 2,00,000/- from the dickey of the motorcycle and



fled away. It has been stated that on 21.10.2020 the informant identified both the miscreants who were moving at Kumhri Bazar and he informed the police thereafter both the persons are apprehended and disclosed their names as *Samiyal Lal* and *Krishna Kumar Yadav*.

It is submitted by learned counsel for the petitioners that petitioners have falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that in course of search Rs. 1200/- and Rs. 800/- were recovered from their possession respectively which are their own money and they were wandering in the market for selling the household articles. He further submits that there is delay of five days without any explanation in filing of the F.I.R. i.e. the occurrence took place on 16.10.2020 and the said F.I.R. was lodged on 21.10.2020 by the informant. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioners have no criminal antecedent and have been languishing in custody since 22.10.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the



learned court below where the case is pending/successor court in
connection with Kadwa P.S. Case No. 234 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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