

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21550 of 2021

Arising Out of PS. Case No.-54 Year-2020 Thana- KOTHIGRAM District- Gaya

1. Lalam Khan S/O Zaker Khan @ Jaker Khan R/O Village Pakhrah, P.S Kothi, District-Gaya
2. Shaheb Khan @ Saheb Khan S/O Sadr Alam Khan R/O Village Pakhrah, P.S Kothi, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar

For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-07-2021 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 Kothi P.S. Case No. 54 of 2020 registered for the offence punishable under Section 414 of the Indian Penal Code.

Allegation against the petitioners is that petitioners along with two other miscreants are involved in robbery of electric motor. It is alleged that they are coming to sell and buy the said



electric motor on their bicycle then on search by the informant one electric motor bearing Motor No. M 20 F 664446 was recovered from them and after their confession another motor was recovered near the bridge. It is also alleged that they were caught apprehended but one of them managed to escape.

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 petitioners are not caught on the spot and no incriminating article has been recovered from their conscious physical possession. He submits that the electric motor which was found laden on the bicycle belongs to cousin of petitioner No. 1 *Galfan Khan* and they were carrying the motor to get it repaired. He further submits that similiary situated co-accused persons has been granted bail *vide* order dated 17.06.2021 in Cr. Misc. No. 13030 of 2021 by a co-ordinate Bench of this Court. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioners have one more criminal antecedent against them as mentioned in para 3 of this bail application and have been languishing in custody since 15.09.2020.

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 Kothi P.S. Case No. 54 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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