

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40597 of 2021**

Arising Out of PS. Case No.-7 Year-2019 Thana- JALE District- Darbhanga

1. GAUTAM VISHWAKARMA, Son of Ram Dhani Vishwakarma Resident of Village- Chandmari, P.S.- Shivpur, District- Varanasi (U.P.).
2. Vishal Yadav Son of Ashok Yadav Resident of Village- Chandmari, P.S.- Shivpur, District- Varanasi (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shama Sinha, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      25-08-2021                      Heard Mr. Shama Sinha, learned counsel for the petitioners and Mr. Raj Kishore Singh, learned Additional Public Prosecutor for the State.

The petitioners seek regular bail in connection with Jalley Police Station Case No. 07 of 2019, registered for the offences punishable under Section 392 of the Indian Penal Code.

This is the second attempt on behalf of the petitioners for grant of regular bail. Earlier, the prayer for regular bail of the petitioners was dismissed as withdrawn by this Court, vide order, dated 10.11.2020, passed in Criminal Misc. No. 23607 of 2020, giving liberty to the petitioners to renew their prayer for



bail after six months from the date of the order.

The prosecution story, as per the First Information Report, is that on 13.01.2019, at about 03:55 PM, three miscreants entered into the petrol pump of the informant, committed robbery, and fled away with a sum of Rs. 3,50,459/-, along with mobile phones etc.

Learned counsel for the petitioners submits that the petitioners are not named in the First Information Report and they have been dragged in this case on the basis of the confessional statement of co-accused, made in Sadar Police Station Case No. 440 of 2019. He further submits that no incriminating material has been recovered from the possession of the petitioners and the petitioners have also not been put on Test Identification Parade. He further submits that the petitioners are in custody since 12.02.2020 and the trial is not likely to be concluded in near future due to COVID-19 pandemic.

Regard being had to the submission advanced on behalf of the parties and taking into consideration the materials on record and the fact that the petitioners are in custody since 12.02.2020, the trial is not likely to be concluded in near future due to COVID-19 pandemic and this the second attempt on



behalf of the petitioners for grant of regular bail, I am inclined to grant regular bail to the petitioners.

This application is, accordingly, allowed.

Let both the petitioners, above named, be released on bail upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Darbhanga, in connection with Jalley Police Station Case No. 07 of 2019.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

**(Anil Kumar Sinha, J)**

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