

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8354 of 2021

Arising Out of PS. Case No.-32 Year-2020 Thana- GARKHA District- Saran

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1. AKSHAY SHARMA Son of Shambhu Sharma Resident of Village - Motirajpur, P.S. Garkha, District - Saran.
 2. Rajan Singh Son of Late Shatrughan Singh Resident of Village - Motirajpur, P.S. Garkha, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 08-07-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Garkha P.S. Case no. 32 of 2020 registered under sections 307 and 393 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the F.I.R., while the informant was returning from the bank after withdrawing a sum of Rs.2.5 Lacs, it is stated that the three accused persons including the two petitioners herein, on the point of pistol made an attempt to rob the informant of his money but did not succeed. On the informant raising *hulla*, the accused persons escaped.

It is submitted by learned counsel for the petitioners that the allegations as narrated in the F.I.R. and the manner of occurrence



on the face of it appears to be concocted. Further, there is no explanation whatsoever for the delay in lodging of the F.I.R., when the occurrence is stated to have taken place on 16.1.2020 at 4:15 pm, inspite of the informant being on a motorcycle and the distance to the police station being 7 kms., information was given to the police only on the next day i.e. 17.1.2020 at 9:30 am. The petitioners have no criminal antecedents and have remained in custody since 20.10.2020.

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 facts and circumstances of the case including the petitioners having remained in custody for 8 months and investigation in the case having concluded, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Garkha P.S. Case No. 32 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st Class, Saran, Chapra.

(Partha Sarthy, J)

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