

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3592 of 2022

Arising Out of PS. Case No.-150 Year-2021 Thana- ARA NAGAR District- Bhojpur

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1. Avinash Yadav, S/o Rajesh Yadav, Resident of Village - Juravganj, Ward No.-1, P.S. - Koda, Dist. - Katihar.
 2. Munna Yadav, S/o Rajesh Yadav, Resident of Village - Juravganj, Ward No.-1, P.S. - Koda, Dist. - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Advocate
For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Sessions Trial No.170 of 2021 arising out of Ara Nagar P.S. Case No. 150 of 2021 registered for the alleged offences under Sections 392, 395 and 120(B) of the Indian Penal Code.

The prosecution case is that two unknown miscreants riding on a motorcycle snatched a bag from the informant containing Rs. 2 lacs which the informant has withdrawn from the bank. Later on, during investigation, the



name of the petitioners transpired as accused persons in this case.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the case. The petitioners, who are full brothers, were arrested in Ara Town P.S. Case No.240 of 2021 and thereafter, the police remanded them in number of cases including the present one. Learned counsel further submits that the petitioners have been named in the case on the basis of confessional statement of co-accused Vicky Kumar and otherwise there is nothing against these petitioners. No incriminating article has been recovered from the possession of the petitioners or from their house. They have not been put to Test Identification Parade. The charge sheet has been submitted in this case and the petitioners are in custody since 19.03.2021.

Learned APP opposes the prayer for bail submitting that petitioners snatched Rs. 2 lacs from the informant and they are members of a gang committing such crimes.

Having regard to the submissions made hereinabove and considering the fact that the petitioners are not named in this case and no incriminating article has been recovered from their possession and further considering the fact that the charge



sheet has been submitted in this case and the petitioners are in custody since 19.03.2021, they are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-XIII, Bhojpur at Ara in connection with Sessions Trial No. 170 of 2021 arising out of Ara Town P.S. Case No.150 of 2021, subject to the following conditions :

- (i) The bail bonds of the petitioners will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the close relative of the petitioners.
- (iii) The petitioners will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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