

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6733 of 2022

Arising Out of PS. Case No.-146 Year-2021 Thana- GANGABRIDGE District- Vaishali

Rahul Kumar, S/O Dinesh Mahto, R/O Village- Hanshi Kewal, P.S.-
Bhagwanpur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8132 of 2022

Arising Out of PS. Case No.-146 Year-2021 Thana- GANGABRIDGE District- Vaishali

Raja Kumar, S/O Shambhu Mahto, R/O Village- Dharampur Dakhili, P.S.-
Chaklal Shahi, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 6733 of 2022)

For the Petitioner/s : Mrs.Rina Sinha, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 8132 of 2022)

For the Petitioner/s : Mrs.Rina Sinha, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-12-2022 Since both the cases arise out of Ganga Bridge P.S.

Case No. 146 of 2021 as such, they have been heard together

and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

A.P.P. for the State.

Let the defect (s),if any, as pointed out by the office,

be removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Ganga Bridge P.S. Case No. 146 of 2021 registered for the alleged offences under Sections 392 and 411 of the Indian Penal Code.

As per prosecution case, petitioners and two other co-accused persons were sitting in a tempo and they told the informant that they would take the informant to his destination. While coming to Patna, they took a de-tour to *Pipa Pul* and on its way, they robbed the informant on gun point of Rs. 5000/- and his mobile phone. On alarm being raised by the informant, the villagers assembled and apprehended all the four criminals. Recovery of mobile phone of the informant was made from the petitioner Rahul Kumar.

It has been submitted by the learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case. The petitioners were also the passenger on this tempo and they were going to Patna. When the villagers chased the tempo, the driver threw away the looted mobile which was shown to be recovered from the petitioner Rahul Kumar. Nothing incriminating has been recovered from the petitioner Raja Kumarr. Charge sheet has been submitted in

this case and the petitioners are in custody since 10.07.2021. The petitioners have got clean antecedent. Co-accused Raghubir Kumar has been granted bail vide order dated 19.05.2022 passed in Cr. Misc. No. 59896 of 2021 by a Coordinate Bench

Learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioners and their clean antecedent, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 146 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) 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)

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