

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68980 of 2021

Arising Out of PS. Case No.-206 Year-2021 Thana- MOTIPUR District- Muzaffarpur

Md. Salam, Son of Md. Munna, Resident of village - Dharfari, P.S.- Deoria,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15313 of 2022

Arising Out of PS. Case No.-206 Year-2021 Thana- MOTIPUR District- Muzaffarpur

Om Prakash Kumar @ Bittu Kushwaha, Son of Shyam Nandan Prasad,
Resident Of Village- Panapur, P.S. Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68980 of 2021)

For the Petitioner/s : Mr.Bidhanesh Misra, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

(In CRIMINAL MISCELLANEOUS No. 15313 of 2022)

For the Petitioner/s : Mr.Braj Bhushan, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-09-2022 Since both the applications arise out of Motipur P.S.

Case No. 206 of 2021, as such, they have been taken up together

and are being disposed of by this common order.

Heard learned counsels 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 Motipur P.S. Case No. 206 of 2021 registered for the alleged offences under Sections 392, 397 and 302 of the Indian Penal Code.

As per prosecution case, three masked miscreants gave a chase on motorcycle to the informant and his father who were also riding on motorcycle, looted money, silver and gold jewellery from the informant. They also took away the mobile phone of the father of the informant. One of the miscreants shot at the father of the informant in his abdomen. The name of the petitioners transpired as the accused persons during investigation.

The learned counsels for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case. The FIR has been lodged against unknown and no Test Identification Parade has been conducted. Learned counsels further submits that nothing incriminating has been recovered from the possession of the petitioners and recovery of Rs. 10,000/- from petitioner Om Prakash Kumar is not the looted money and the same has not been put to Test Identification



Parade. It has also been submitted on behalf of the petitioner Md. Salam that his name came up in this case in the statement of one Mohan Prasad (Bhagat) during recording of his statement. The petitioners are in custody since 08.07.2021 and 06.10.2021, respectively and charge-sheet has been submitted against them.

Learned APP opposes the prayer for bail submitting that the petitioners were involved in the alleged occurrence.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering their period of custody along with submission of charge-sheet, the petitioners above named 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 Chief Judicial Magistrate, Muzaffarpur in connection with Motipur P.S. Case No. 206 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of petitioner **Om Prakash Kumar @ Bittu Kushwaha** will be accepted only after framing of charge, if not already



framed.

(ii) One of the bailors will be a 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 bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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