

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18588 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- BUXAR District- Buxar

1. Shivam Kumar Son Of Shantanu Prasad Resident Of Village/ Mohalla- Sahebganj, P.S.- Town Thana, District- Chapra, Saran
2. Prakash Kumar S/O Shambhu Prasad Resident Of Village/ Mohalla- Mohanpurk, Mohan Nagar, Ward No.34, Police Station- Town Thana, District- Chapra, Saran.
3. Ravi Kumar S/O Jhingur Manjhi Resident Of Village/ Mohalla- Dahiyawa, Ward No.24, Police Station- Town Thana, District- Chapra, Saran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandeep Kumar- Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-04-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

The petitioners seek bail in a case registered for the offences punishable under Sections 467, 468, 471, 419, 420, 120(B), 379, 511 of the Indian Penal Code and Section 30(a) of the Excise Act, 2018.

The learned counsel for the petitioners submits that the petitioners are in custody since 06.01.2022, petitioner nos.1 and 3 have clean antecedent and petitioner no.2 has two antecedents, charge-sheet has been submitted in this case.

The learned counsel for the petitioners further submits



that the informant alleges that he received secret information that some miscreants are near S.B.I. ATM near Milap Hotel. Accordingly, reached the place of occurrence and arrested Shivam Kumar and Prakash Kumar and recovered mobile and other articles as detailed in the F.I.R. and on disclosure of Prakash Kumar, the petitioner was arrested and from him, mobile, key, Scorpio, folding knife etc. was recovered along with 2.700 litre of liquor from the Scorpio vehicle.

The learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the petitioner did not commit any offence rather his name was disclosed by co-accused and police falsely implicated him by alleging that 2.700 litre of liquor was recovered from the vehicle along with other articles.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioners are in custody, charge-sheet has been submitted and prima facie from the allegation, it appears that they did not commit any offence relating to breaking of ATM, the petitioners, above-named, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned



Court below where the case is pending in connection with Buxar
Nagar P. S. Case No.11 of 2022/ C.I.S. No.36 of 2022.

The application stands allowed.

(Satyavrat Verma, J)

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