

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5575 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- BARBIGHA District- Sheikhpura

Mithu Kumar @ Mithu Ram Son of Dinesh Ram, Resident of Village -
Afshar, P.S.- Kashichak, Distt.- Nawadah, at present Warsaliganj Railway
Malgodam, Near Qr. Village - Afsad, P.S.- Kashichak, Distt.- Nawadah.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 25362 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- BARBIGHA District- Sheikhpura

Aman Kumar Son Of Pramod Singh, R/O Village- Subhanpur, P.S.-
Kashichak, District- Nawada Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 5575 of 2022)

For the Petitioner/s : Mr.Bipin Kumar, Advocate

For the Opposite Party/s : Mr.Abhay Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 25362 of 2022)

For the Petitioner/s : Mr.Bharat Lal, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Barbigha (Mission O.P.) P.S. Case No. 209 of 2021 lodged
under Sections 396, 307 and 120(B) of the Indian Penal Code.

As per prosecution, F.I.R. has been lodged against one
named and four unknown accused persons. The informant is

Khushi Kumari. It is a case in which *dacoity* has taken place and one murder has also taken place in a brutal manner.

Learned counsel for the petitioners submit that petitioners are not named in the F.I.R. and their name has come only on the confessional statement of the co-accused. Learned counsel further submits that nothing was recovered from their possession and their antecedents are clean. He further submits that petitioner, namely, Mithu Kumar is in custody since 06.12.2021 and petitioner, namely, Aman Kumar is in custody since 05.12.2021.

Learned counsel for the State opposes the prayer for bail and submits that both the petitioners were duly identified by the informant herself Khushi Kumari before whom the crime has taken place. She is the eye-witness of the crime and she has identified both the petitioners in the Test Identification Parade.

In the present facts and circumstances of the case and the submissions made above, I am not inclined to grant bail to the petitioners and therefore, their bail petitions are hereby rejected.

(Dr. Anshuman, J.)

ravishankar/-

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