

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26269 of 2022

Arising Out of PS. Case No.-808 Year-2021 Thana- PHULWARISHARIF District- Patna

1. Md. Sadan @ Bauna, S/o Md. Tufail, Resident of Tajnagar Bakho Toli, P.S.- Phulwari Sharif, District- Patna
2. Md. Tufail, S/o Late Ammu, Resident of Tajnagar Bakho Toli, P.S.- Phulwari Sharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-08-2022 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 petitioner seeks bail in connection with Phulwari Sharif P.S. Case No. 808 of 2021 registered for the alleged offences under Section 394 of the Indian Penal Code.

As per the prosecution case, Rs. 14,84,400/- and a number of mobile phones were looted by the unknown miscreants. Later on, during investigation, the name of the petitioners transpired as accused persons.



The learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case as nothing incriminating has been recovered from their conscious possession. The petitioners are doing the business of *Kabari* and the mobile phones shown to have been recovered from their place are part of *Kabar* collected by them. It is evident from the FIR that the informant is not an eye-witness and the whole occurrence has been concocted to grab the insurance money from the insurance company. The petitioners are in custody since 16.12.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that from the possession of the petitioners, 12 looted mobile phones have been recovered.

Having regard to the submissions made on behalf of the parties and as appears from the order of the rejection of bail, recovery has been made from the house of the petitioners, I am not inclined to enlarge the petitioners on bail. Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same preferably within a period of nine months.

(Arun Kumar Jha, J)

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