

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26250 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- RAJAON District- Banka

1. Pappu Thakur, Son Of Ashok Thakur, R/O Village- Maranga, P.S.- Maranga, District- Purnea
2. Sunny Thakur, Son Of Krishna Mohan Thakur, R/O Village- Maranga, P.S.- Maranga, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-08-2022 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 petitioners seek bail in connection with Rajaon P.S. Case No. 31 of 2022 registered for the alleged offence under Section 392 of the Indian Penal Code.

As per the prosecution case, four unknown miscreants on two motorcycles intercepted the informant and took away his motorcycle, Rs. 5500/-, a mobile phone and a gold chain at gunpoint. Further, they also transferred Rs.5000/- after asking for his pin of google pay. They assaulted him and even took away all documents of the motorcycle including driving licence.



The names of the petitioners transpired as accused persons during investigation.

The learned counsel for the petitioners submit that the petitioners have been falsely implicated in this case as they were not named in the FIR and nothing incriminating have been recovered from their conscious possession. Though, the recovery of the motorcycle is stated to be from petitioner no.1, it is clear the seizure list was not prepared in presence of independent witnesses and it also does not disclose the place of recovery of the motorcycle and the same is vague. The petitioners are in custody since 10.02.2022. Except for confessional statement, there is nothing against the petitioners who have been arraigned in this case only on the basis of confessional statement of the co-accused Shakti Yadav. They are having no criminal antecedent.

Learned APP opposes the prayer for bail submitting that the name of the petitioners transpired during investigation and from petitioner no.1 Pappu Thakur, looted motorcycle was recovered.

Having regard to the submissions made hereinabove and considering the recovery of looted motorcycle from petitioner no.1 Pappu Thakur, I am not inclined to enlarge



the petitioner no.1 on bail.

Hence his prayer for bail is rejected.

However, as nothing incriminating has been recovered from petitioner no.2 Sunny Thakur and considering submission of charge-sheet and period of custody of the petitioner, he is 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, Banka in connection with Rajaon P.S. Case No. 31 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be Krishna Mohan Thakur, father of the petitioner no.2, who has sworn the affidavit in this case.
- (ii) The petitioner no. 2 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 petitioner no. 2 will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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