

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38666 of 2021

Arising Out of PS. Case No.-16 Year-2018 Thana- SAHAR District- Bhojpur

Abhishek Kumar s/o of Anil Singh @ Anila Kumar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 50426 of 2021

Arising Out of PS. Case No.-16 Year-2018 Thana- SAHAR District- Bhojpur

Niraj Kumar @ Nepali@ Nepali s/o Upendra Singh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38666 of 2021)

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

For the Opposite Party/s : Mr.A.G.

(In CRIMINAL MISCELLANEOUS No. 50426 of 2021)

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

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-06-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Vijay Prakash learned counsel for the
petitioners as well as learned Additional Public Prosecutor for
the State.

The petitioners seek bail in connection with Sahar
Case No. 16 of 2018 registered for the offences punishable



under Sections 392 of the Indian Penal Code.

As per prosecution case, it is alleged that on 23.01.2018 four miscreants boarded on two motorcycles without registration number came at petrol pump and on the point of gun looted cash of Rs.3,80,00/-.

It is submitted by the learned counsel for the petitioners that FIR has been instituted against two unknown persons and so far as petitioner, Abhishek Kumar is concerned, he has been falsely implicated in this case on mere suspicion and on the basis of his own confessional statement recorded in another case; and so far as the petitioner Niraj Kumar @ Nepali is concerned, his name has been transpired on the confessional statement of Abhishek Kumar. It is further submitted that both the petitioners are in custody since 07.09.2018 and 16.09.2018 respectively but till date they have not put on TIP nor any incriminating article has been recovered from persons or possession of the petitioners. It is next submitted that petitioner Abhishek Kumar has been found accused in altogether 18 cases, apart from the present case, however in most of the cases, he has been granted bail. So far as petitioner Niraj Kumar @ Nepali is concerned, he has been found involved in two cases and in both the cases he has been granted bail besides the



present case.

On the other hand, learned APP for the State opposes the bail application of the petitioners and submits that petitioners have criminal antecedent and their complicity found from the records.

Having considered the submissions made on behalf of the parties and taking into consideration the period of custody and except confessional statement, no other material, apart from the fact that till date the petitioners have not been put on TIP nor any incriminating material has been recovered from persons or possession of the petitioners, let the petitioners above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Bhojpur at Ara in connection with Sahar P.S. Case No. 16 of 2018 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(i) One of the bailors should be the close relatives of the petitioners.

(ii) The petitioners will cooperate in the investigation as well as in conclusion of the trial.



(iii) They will not try to tamper with the evidence or
intimidate the witnesses in course of investigation or during the
course of trial.

(Harish Kumar, J.)

N.K/-

U		T	
---	--	---	--

