

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38929 of 2021

Arising Out of PS. Case No.-6 Year-2020 Thana- PANDARAK District- Patna

1. BIKASH KUMAR Son of Late Heman Choudhary Resident of Mohalla- Station Road, Fatuha, Near Kali Mandir, P.S.- Fatuha, District- Patna
2. Nandan Kumar Son of Sri Lalu Yadav @ Lalo Yadav @ Sri Lalu Singh Resident of Village- Chhota Hasanpur, P.S.- Khusurupur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Kumar, Adv.

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and
Md. Arif, the learned APP for the State.

The petitioners seek regular bail in connection with Pandarak PS case no. 06 of 2020 instituted for the offences punishable under Sections 395, 302 of Indian Penal Code.

The case of the prosecution in brief is that while the informant was travelling on his pick-up van, the same was intercepted by a Scorpio vehicle, in which, 06 unknown



miscreants were travelling and thereafter, the said unknown miscreants had snatched a sum of Rs. 5000/-, driving licence, some documents etc. from the informant and had taken away the said Pick-up van along with the informant, however after some time, they had thrown the informant on the road side.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are languishing in custody since 07.12.2020. The learned counsel for the petitioners has further submitted that the petitioners have been falsely implicated in the present case merely on account of their bad antecedent. It is next submitted that no test identification parade has been held, till date, so as to connect the petitioners with the alleged crime and moreover, no illicit articles/ alleged stolen pick-up van have been recovered from the conscious possession of the petitioners. It is next submitted that similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court vide orders dated 08.07.2021, 26.08.2021 and 14.09.2021, passed in Cr. Misc. no. 18780 of 2021, Cr. Misc. no. 12641 of 2021 and Cr. Misc. no. 34840 of 2021 respectively. Lastly, it is submitted that the names of the petitioners has transpired in the present case upon disclosure



made by the arrested co-accused persons in their confessional statement regarding the petitioners being their accomplices.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioners with that of the co-accused persons who have already been granted bail by co-ordinate Benches of this Court, I deem it fit and proper to admit the petitioners to the privilege of bail subject to certain conditions.

Accordingly, the abovenamed petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of A.C.J.M. 1st, Barh in connection with Pandarak PS case no. 06 of 2020.

It is further directed that the petitioners shall mark their presence before the officer-in-charge of the concerned police station at 10 am on every Monday, starting from the day they are released on bail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand



cancelled automatically and the petitioners shall be taken into
custody forthwith.

(Mohit Kumar Shah, J)

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