

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30763 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- BARHARA District- Bhojpur

=====

Santosh Kumar Yadav, Son Of Lallan Yadav @ Lallan Ray, Resident Of
Village- Shailgram Singh Ka Tola P.S- Barhara Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with
CRIMINAL MISCELLANEOUS No. 32435 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- BARHARA District- Bhojpur

=====

Lavkush Kumar, Son Of Late Jhaman Sah, Resident Of Village- Nek Naam
Tola , P.S- Barhara , Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 30763 of 2022)

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

(In CRIMINAL MISCELLANEOUS No. 32435 of 2022)

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2022 Since both the applications arise out of Barhara P.S.

Case No. 56 of 2022, as such, they have been taken up together

and are being disposed of by this common order.

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 Barhara P.S. Case No. 56 of 2022 registered for the alleged offences under Section 394 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, four miscreants surrounded the informant who was on a motorcycle and on gunpoint snatched his mobile phone and when the informant resisted, he was shot at in his waist. All four miscreants fled away on their motorcycle. The name of the petitioners transpired as accused persons during investigation.

Learned counsel for the petitioners submits that the petitioners were not named in the F.I.R. and were not apprehended from the spot and nothing incriminating has been recovered from their person or possession. On the basis of call details of the looted mobile, the co-accused Ravi Kumar Paswan was arrested and in his confession he named the petitioners and the co-accused. This co-accused Ravi Kumar is on inimical terms with the petitioners. Even from the F.I.R., it is apparent that there is no specific allegation of firing against the petitioners. Though the petitioners were identified by the



informant during the Test Identification Parade but it was meaningless as the petitioner and the informant are known to each other and it is not the case of the prosecution that the accused persons have covered their faces. Charge sheet has been submitted in this case and the petitioners are in custody since 28.02.2022. Another co-accused Pankaj Modi was granted bail by a Coordinate Bench of this court vide order dated 29.08.2022 passed in Cr. Misc. No. 31410 of 2022.

Learned APP for the State opposes the prayer for bail of the petitioners.

Having regard to the fact and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioners along with submission of charge sheet, the petitioners above named are 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, Bhojpur, Ara in connection with Barhara P.S. Case No. 56 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.



(ii) The petitioners 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 bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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

