

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29694 of 2022**

Arising Out of PS. Case No.-195 Year-2022 Thana- MADHEPURA District- Madhepura

1. Chandrabasu Kumar, S/o Dharamveer Sah @ Dharam Veer Saha
2. Shyam Sundar Kumar @ Mantosh Kumar S/o Late Satya Narayan Saha @ Satyanarayan Sah

Both are residents of village- Suhath, P.S.- Sourbazar, District- Saharsa (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar 1, Advocate
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 23-09-2022 Heard learned counsel for the petitioners and learned APP for the State through video conferencing.

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 Madhepura P.S. Case No. 195 of 2022, registered for the alleged offence under Sections 392 and 411 of the Indian Penal Code.

As per the prosecution case, three motorcycle borne miscreants threatened the informant on gunpoint and snatched Rs.5000/- cash, his mobile phone and his motorcycle. Further on



getting information from the informant, villagers apprehended three miscreants and recovered the looted motorcycle but mobile phone and cash were not recovered. The petitioners are apprehended persons along with the co-accused.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from their conscious possession. The petitioners and the co-accused were coming from the house of their relative on their bike and due to some altercation, the informant and local villagers have created a false and concocted story. The falsity is also apparent from the story of the prosecution that the petitioners and the co-accused were apprehended after a few minute of the alleged occurrence, but no recovery of cash and mobile phone was made from them. The charge sheet has been submitted in this case. The petitioners are in custody since 02.03.2022 and are having clean antecedent.

The learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and period of custody of the petitioners along with their clean antecedent, they 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, Madhepura, in connection with Madhepura P.S. Case No. 195 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 bond of the petitioners will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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