

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29748 of 2022

Arising Out of PS. Case No.-204 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

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RANJAY KUMAR Son of Kailash Ray Resident of Village - Bagahi, P.S.-
Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 30033 of 2022

Arising Out of PS. Case No.-204 Year-2021 Thana- BOCHAHAN District-
Muzaffarpur

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TUNTUN KUMAR Son of Late Kishori Prasad Resident of Village -
Chakjamal, P.S. - Minapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 29748 of 2022)

For the Petitioner/s : Mr.Shanti Bhushan Singh, Advocate

For the State : Mr. Ajay Kumar Jha, APP

(In CRIMINAL MISCELLANEOUS No. 30033 of 2022)

For the Petitioner/s : Mr.Shanti Bhushan Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-09-2022 Since both the applications arise out of Bochahan P.S.

Case No. 204 of 2021 as such, they have been heard 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 Bochahan P.S. Case No. 204 of 2021 registered for the alleged offences under Section 394 of the Indian Penal Code.

As per prosecution case, the informant was waylaid by four miscreants and they beat him and took away the keys of the vehicle and fled away with the vehicle. The name of the petitioners transpired during investigation as accused in the case.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. For an occurrence of 05.08.2021, the F.I.R. has been registered on 06.08.2021 but the same was sent to the court of learned Judicial Magistrate only on 10.08.2021. The petitioner has been named in this case on the basis of recovery of looted pick-up-van from this petitioners and other co-accused persons. There is no compliance of Section 100 of Cr.P.C. No Test Identification Parade has been carried out. Charge sheet has been submitted in this case and the petitioners are in custody

since 25.11.2021.

Learned APP for the State opposes the prayer for bail of the petitioners submitting that the petitioners are habitual offenders and are having criminal antecedent.

Having regard to the submission made on behalf of the parties and considering the period of custody of this petitioners along with submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand)each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Muzaffarpur (East) in connection with Bochahan P.S. Case No. 204 of 2021 subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioners.
- (iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) 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.

(Arun Kumar Jha, J)

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