

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32090 of 2022

Arising Out of PS. Case No.-203 Year-2021 Thana- SHEKHPURA District- Sheikhpura

Shani Kumar Son of Ranjit Yadav Resident of Village/Mohalla Naya tola
Jurabganj, P.S. - Kodha, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 32217 of 2022

Arising Out of PS. Case No.-203 Year-2021 Thana- SHEKHPURA District- Sheikhpura

Anand Kumar @ Anand Yadav Son Of Deepu Yadav Resident Of
Village/Mohalla Naya Tola Jurabganj, P.S. - Kodha, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32090 of 2022)

For the Petitioner/s : Mr. Anup Kumar Pandey, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 32217 of 2022)

For the Petitioner/s : Mr. Anup Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 05-09-2022 Both the criminal miscellaneous petitions have arisen

out of same P.S. case, hence they are being decided together by

a common order.

The learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.



Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Shekhpura P.S. Case No. 203 of 2021 registered for the offence under Section 392 of the Indian Penal Code.

As per the allegation, two motorcycle born miscreants looted a bag containing Rs.1,50,000/- cash, passbook, cheque book etc. from the possession of the informant.

The main submissions advanced by the learned counsel Mr. Anup Kumar Pandey for the petitioners Anand Kumar and Shani Kumar are that against both the petitioners there is no any legal evidence and both the petitioners were remanded in the present case from Nalanda Sara P.S. Case No.80 of 2021 and they have been made accused in the present case mainly on the basis of confessional statement of accused namely Ronit Kumar and after their arrest in the present case both the petitioners were not put on Test Identification Parade and nothing incriminating material related to the alleged occurrence was recovered from their possession and they have been chargesheeted mainly on the basis of their criminal antecedents and on the basis of the statement of accused Ronit Kumar given before the police in connection with Nalanda Sara



P.S. Case No.80 of 2021 but the same has no evidentiary value and both the petitioners have been languishing in jail since 10.12.2021 without any legal evidence.

Learned APP Mr. Raj Ballabh Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the order of learned Court below. Both the petitioners have been languishing in jail since 10.12.2021 and the investigation against them has been completed in the present case. Both the petitioners have mainly taken the defence that they have been made accused mainly on the basis of the confessional statement and the police did not recover the looted articles from the possession of the petitioners and they were not put on Test Identification Parade. The said defence has not been opposed by the learned APP and it appears that while rejecting the prayer of both the petitioners the learned Court below mainly placed reliance on the criminal antecedents of both the petitioners and their present residing places which are stated to be far away from their district to which they belong. Except these discussed materials no other relevant material appears against both the petitioners from the order impugned. Considering these facts as well as the petitioners' custody period, in my view a lenient



approach can be taken in respect of petitioners' prayer, let the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Shekhpura P.S. Case No. 203 of 2021, on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioners.

(Shailendra Singh, J.)

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