

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42727 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- PANDAUL District- Madhubani

Guddu Kumar Thakur S/o Vijay Thakur R/o village- Dullipatti, P.S.- Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 43660 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- PANDAUL District- Madhubani

Md. Tanveer Son Of Md. Mustafa R/O Village- Dahauda, P.S.- Manigachi, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 44270 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- PANDAUL District- Madhubani

Md. Raja @ Raja Niyaz @ Niyaz Son of Md. Sabnam Raza R/v- Jarhatiya P.S- Sakri, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 44589 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- PANDAUL District- Madhubani

Amit Kumar Yadav Son of Hari Yadav Resident of Village - kanhauli, P.s.- Sakri, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 45874 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- PANDAUL District- Madhubani

Mukesh Kumar Purbey Sonof Suresh Purbey @ Suresh Purwe R/O Mohalla- Narayanpur, P.S.- Manigachhi, Dist.- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49422 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- PANDAUL District- Madhubani

Md. Raza @ Ujalay @ Mashuque @ Maruf Ali Son of Abdul Malick Resident
of Village - Milki Chauk Dilawarpur, P.S.- Bahadurpur, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 42727 of 2022)
For the Petitioner/s : Mr. Md. Soban Asghar, Adv.
For the Opposite Party/s : Mr. Uday Chand Prasad, APP
(In CRIMINAL MISCELLANEOUS No. 43660 of 2022)
For the Petitioner/s : Mr. Syed Ashfaque Ahmad, Adv.
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP
(In CRIMINAL MISCELLANEOUS No. 44270 of 2022)
For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv.
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP
(In CRIMINAL MISCELLANEOUS No. 44589 of 2022)
For the Petitioner/s : Mr. Ravi Prakash, Adv.
For the Opposite Party/s : Mr. A.G. APP
(In CRIMINAL MISCELLANEOUS No. 45874 of 2022)
For the Petitioner/s : Mr. Bimal Kumar, Adv.
For the Opposite Party/s : Mr. Rajeev Nayan (App 231), APP
(In CRIMINAL MISCELLANEOUS No. 49422 of 2022)
For the Petitioner/s : Mr. Amir Alam, Adv.
For the Opposite Party/s : Mr. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.Ps. for the State.

The petitioners seek regular bail in connection with
Pandaul P.S. Case No. 55 of 2022 lodged under Sections 399,
402 of the I.P.C. read with Sections 25(1-b), a/26/35 Arms Act.

As per the prosecution case, the police has received an information that 10-15 persons duely armed are waiting near kirana shop of Pappu Purbe for commission of loot. The police with the help of force of other police station surrounded them in which 3 motorcycles and 11 accused persons including the petitioners were caught. They confessed that they were planning to commit dacoity to the house of Pappu Purbe but in the meantime, police has caught. Upon recovery of money, it was confessed by them that the said money was a looted money.

Learned counsel for the petitioner of Cr. Misc. No.42727 of 2022 submits that nothing incriminating recovered except one screen touch mobile, Rs.10,000/- and one Apache Motorcycle. Learned counsel submits that petitioner's antecedent is clean and he is in custody since 28.03.2022.

Learned counsel for the petitioner of Cr. Misc. No. 43660 of 2022 submits that one country made pistol and one live cartridges has been recovered from his possession. He submits that there are 2 criminal antecedent of the petitioner and in both the cases he is on bail. He submits that petitioner is in custody since 27.03.2022.

Learned counsel for the petitioner of Cr. Misc. No.44270 of 2022 submits that there is one country made pistol

and one live cartridges has been recovered from the possession of the petitioner. Learned counsel submits that petitioner has 2 criminal antecedent and he is in custody since 28.03.2022.

Learned counsel for the petitioner of Cr. Misc. No.44589 of 2022 submits that there is only one Vivo company mobile recovered from the possession of the petitioner. Learned counsel submits that petitioner has 2 criminal antecedent and he is in custody since 29.03.2022.

Learned counsel for the petitioner of Cr. Misc. No.45874 of 2022 submits that a recovery of one Realme Mobile, Rs.15,000/- cash is alleged to be made from the possession of the petitioner. Learned counsel submits that petitioner has one criminal antecedent and he is in custody since 28.03.2022.

Learned counsel for the petitioner of Cr. Misc. No.49422 of 2022 submits that there is only one screen touch mobile recovered from the possession of the petitioner. Learned counsel submits that petitioner has 2 criminal antecedent in which he is on bail. He also submits that petitioner is in custody since 28.03.2022.

Learned counsel for the petitioners submits that charge sheet has already been filed in this case and some of the

co-accused have been granted bail by the Co-ordinate Benches of this court in Cr. Misc. No.38061 of 2022, Cr. Misc. No. 39111 of 2022 and Cr. Misc No.40359 of 2022.

Learned counsel for the State opposes the prayer for bail and submits that if the petitioners shall be released, the trial shall not be concluded and they will start making delay in trial.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners. Therefore, the bail applications of the petitioners are hereby rejected but liberty is hereby granted to the petitioners that they may renew their prayer for bail after framing of charge.

The Trial Court is directed to release them on bail after framing of charge imposing its own condition so that they may not evade their appearance during trial. It is directed that Court shall frame the charge on the earliest date.

With this observation, the bail applications stand rejected.

(Dr. Anshuman, J.)

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