

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45971 of 2022

Arising Out of PS. Case No.-176 Year-2022 Thana- DUMRA District- Sitamarhi

Sonu Sahni, S/o Janak Sahni R/o Village- Ganeshpur, P.S.- Belsand, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 50724 of 2022

Arising Out of PS. Case No.-176 Year-2022 Thana- DUMRA District- Sitamarhi

Md. Jafrul, Son Of Md. Illiyas, R/O Village- Rain Kharka, P.S.- Runnisaidpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45971 of 2022)

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 50724 of 2022)

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mrs. Gulnar Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-12-2022 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Dumra P.S. Case No. 176 of 2022 registered

for the alleged offences under Section 392, 394 and 411 of the Indian Penal Code.

As per prosecution case, three miscreants waylaid the informant and took away his motorcycle, mobile phone, purse containing Rs. 10,000/-, driving license, aadhar card, pan card, voter card, etc. The name of the petitioners transpired during investigation as the accused persons involved in the robbery.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. Only recovery shown from these petitioners are of mobile phones, but the same are not looted articles. Neither the motorcycle nor the mobile nor any other looted article have been recovered till date from any of the petitioners. The petitioners were put to Test Identification Parade after one month of their custody and they were allegedly identified by the informant. But, during their arrest and conduct of Test Identification Parade, in the intervening period, the petitioners were produced before learned trial court twice and the Investigating Officer had ample opportunity to introduce the informant to the petitioners. Learned counsel further submits that the petitioners are in custody since 08.05.2022 and charge

sheet has been submitted even in absence of any recovery of the looted articles. The petitioners have got clean antecedent.

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

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioners and also considering the submission of charge sheet along with period of custody of the petitioners and their clean antecedent, 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 Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 176 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.

(Arun Kumar Jha, J)

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