

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37900 of 2022

Arising Out of PS. Case No.-156 Year-2022 Thana- KADAMKUAN District- Patna

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Pawan Kumar Yadav Son of Shyam Babu Yadav Resident of Musallahpur
Hat, Co-Operative Bank Gali, P.S.- Kadamkuan, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47745 of 2022

Arising Out of PS. Case No.-156 Year-2022 Thana- KADAMKUAN District- Patna

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Rahul Kumar Son of Late Shiv Narayan Prasad Resident of Village - Saidpur,
Nandan Nagar Colony, P.s.- Bahadurpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 37900 of 2022)

For the Petitioner/s : Mr. Vinod Pandey, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 47745 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 22-11-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioners, learned
A.P.P. for the State and learned counsel for the informant.

The petitioners seek regular bail in connection with
Kadamkuan P.S. Case No. 156 of 2022 lodged under Section

392 of the I.P.C.

As per the prosecution case, the informant has filed a written report before the police official that on 28.03.2022 at about 3:30 A.M. - 4.00 A.M., he was returning to his house on his bike bearing Registration No. BR-0DR-8489 from Railway Station, Danapur. In the meantime, 3 miscreants surrounded his motorcycle near Congress Maidan, Shiv Mandir on road and snatched the key of motorcycle and abuses. One of the miscreants pointed out the pistol and other miscreants pointed out the knife and thereafter they looted his motorcycle as well as his mobile, Allahabad Higher Judiciary (Main) Examination Admit Card, Purse, Driving Licence, Owner Book, PAN Card, Bar Council Identity Card, ATM Card, Aadhar Card, Voter I.D., Bag in which Rs. 1500/- cash, judiciary exam and related books and notes and Titan Watch, etc. On this allegation, the present case has been registered.

Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. He submits that the motorcycle is alleged to be recovered from the house of petitioner no.1 but the said motorcycle was kept by his renter who has recently entered in his house 6 days back and the said motorcycle does not belongs to him. Counsel submit that

petitioners are innocent and they are unnecessarily in custody since 01.04.2022. Counsel further submits that petitioner no. 1 has one criminal antecedent in which he is on bail. Counsel further submits that there is unfortunate event took place in his house that his father died and he is the only son in the family and no one is there to take care of his family and his another brother is mad and become traceless since last 4 years.

Counsel for the petitioner of second case submits that the petitioner is innocent having clean antecedent and he is also in custody since 01.04.2022. Nothing was recovered from his possession nor he was put on T.I.P.

Learned counsel for the informant appeared and vehemently opposes the prayer for bail and submits that the motorcycle was recovered from the house of petitioner no.1. Learned counsel for the informant submits that there are confessional statements of both the petitioners before the police and both petitioners have talked against each other and *modus operandi* of both the petitioners stated in the confessional statements are common.

Learned counsel for the State opposes the prayer for bail.

Upon specific query that whether charge has been

framed or not, counsel submits that charge has not been framed.

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 petitions of both the petitioners are hereby rejected.

However, liberty is hereby granted to move for bail to both the petitioners that they may renew their prayer for bail one month after framing of charge and Trial Court is directed to release them on bail thereafter imposing conditions so that they may not evade their appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J)

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