

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50110 of 2022

Arising Out of PS. Case No.-140 Year-2022 Thana- SINGHESHWAR District- Madhepura

1. AVINASH KUMAR Son of Indra Bhushan Kumar @ Indrabhushan Yadav Resident of Village - Kamargama, P.S.- Singheshwar, District - Madhepura.
2. Rabikant Kumar @ Ravikant Kumar Son of Dhaneshwar Yadav Resident of Village - Manpur, P.S.- Gamhariya, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2022 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Singheshwar PS case no. 140 of 2021 instituted for the offences punishable under Section 392 of Indian Penal Code.

The case of the prosecution in brief is that the informant, who works at Shiv Shakti Gas Agency, was driving a Mini Pick-up van for the purposes of delivering cooking gas in Singheshwar Block area, on the alleged date and time of incident and he was accompanied by one Nilesh Kumar, who works as his helper and when they reached in between Sirisiya-Kamargama on NH-106, two persons on a motorcycle overtook the Mini Pick-up van and stopped it, whereafter one of the co-accused person is



stated to have pointed a gun on the temple of the informant and had snatched a sum of Rs. 38,675/-. It is also alleged that two persons, riding on a motorcycle, were keeping track of the movement of the informant and their names are Jai Sharma and Surendra Chauhan, respectively. As far as the petitioners are concerned, they are stated to be engaged in keeping a tab on the movement of the informant and are alleged to be engaged in apprising the other two accused persons about the location of the informant, so that they could commit loot.

The learned counsel for the petitioners submits that the petitioners are innocent, have been falsely implicated in the present case, are having clean antecedent and are languishing in custody since 09.06.2022. The learned counsel for the petitioners has further submitted that the police had in fact, filed a final report dated 23.07.2022, wherein clean chit was given to the petitioners, while finding the case to be true against the two other accused persons, who were travelling on a motorcycle and had committed loot but the learned court below has differed from the same and has taken cognizance against all the four accused persons. It is further submitted that even if the allegation levelled in the FIR are believed to be true on its face value, although the petitioners deny the same, the petitioners are not the persons who had actually committed loot of the cash amount in question from



the informant, hence, benefit of doubt can be granted to the petitioners for the purposes of grant of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioners are not stated to have looted the cash amount from the informant, apart from the fact that they are having clean antecedent and are languishing in custody since 09.06.2022, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioners are directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Singheshwar PS case no. 140 of 2022.

(Mohit Kumar Shah, J)

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