

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65668 of 2021**

Arising Out of PS. Case No.-105 Year-2021 Thana- RAHIKA District- Madhubani

1. MADHAV KUMAR SINGH @ MADHAV KUMAR S/O KRISHNA KUMAR SINGH R/o village- Karhi, P.S.- Arer, District- Madhubani
2. Nitesh Kumar S/o Anil Singh R/o village- Pakaroana, P.S.- Saharghat, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 31-08-2022 Heard learned counsel for the petitioners and
learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Rahika P.S. Case No. 105 of 2021 registered for the alleged offences under Sections 341, 323, 307, 379, 356 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, three persons riding a motorcycle, snatched the mobile phone of the friend of the



informant. The informant along with his friend chased the miscreants and when they tried to apprehend them, the persons sitting in the middle drew a pistol and fired upon the informant and shot hit in the left side of his waist. The name of the petitioners transpired during investigation.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners are not named in the F.I.R. and they have not been arrested from the spot. Even during investigation, it has been found that there is no allegation of snatching the mobile phone and fired upon the informant against the petitioners which is against other co-accused. The petitioners have been named in this case on the basis of the recovery of mobile which was stated to be snatched from the friend of the informant but it has not come during investigation how the police came to know about the details of the mobile which was snatched. So, the recovery of mobile phone from the petitioner no. 1 is itself suspect as it could not be verified that it was the same mobile which was snatched by the petitioners. Nothing has been recovered from the petitioner no. 2 who has been named in this case due to his relation with petitioner no. 1. During the whole investigation, the police has not been able to



collect any cogent material against the petitioners. The petitioners are having clean antecedent and they are in custody since 08.08.2021 and charge sheet has been submitted against them.

Learned APP for the State opposes the prayer for bail of the petitioners submitting that after snatching the mobile phone, the petitioners fired upon the informant when attempt was made to apprehend them.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the clean antecedent of the petitioners and also submission of charge sheet along with the period of custody of the petitioners, 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 Judicial Magistrate-1st Class, Madhubani in connection with Rahika P.S. Case No. 105 of 2021, 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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