

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69528 of 2021

Arising Out of PS. Case No.-47 Year-2021 Thana- BISHANPUR CHOWK District-
Darbhanga

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1. Yamin, Son of Maqsood, Resident of Village - Kamra, P.S.- Sikandrabad, Distt.- Buland Shahar (U.P.)
 2. Mukhtar Ali @ Mnshtar, Son of Khlil, Resident of Village - Saunder , P.s.- prakchit Garh, Distt.- Merath.(U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abdul Mannan Khan, Advocate
Mr. Binay Kumar, Advocate
For the Opposite Party/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-09-2022 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 Bishanpur P.S. Case No. 47 of 2021 registered for the alleged offences under Sections 395 and 412 of the Indian Penal Code.

As per prosecution case, the informant was transporting a consignment of Bournvita in different packets and his vehicle was intercepted by 6-7 miscreants who assaulted him



and decamped with the goods loaded on his truck. They also took away Rs. 20,000/- and a mobile phone from the informant. The name of the petitioners surfaced during investigation as accused persons.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. They have not been put to any Test Identification Parade and nothing incriminating has been recovered from their possession. Their name came up in this case on the basis of confessional statement of co-accused. Except for this confessional statement, there is nothing against these petitioners. Co-accused Md. Nazim has been granted bail vide order dated 13.04.2022 passed in Cr. Misc. No. 66188 of 2021. These petitioners are in custody since 19.08.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioners are members of a gang of dacoits and they used to sell the goods looted in such dacoities.

Perused the records.

Having regard to the submissions made hereinabove and considering the period of custody along with the submission of charge-sheet against the petitioners, the



petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Bishanpur P.S. Case No. 47 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioners.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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