

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64829 of 2021

Arising Out of PS. Case No.-324 Year-2021 Thana- DIGHA District- Patna

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Bablu @ Bablu Kumar, Son of Sri Lal Saheb Rai, Resident of Mohalla - Rajiv Nagar, Amrud Gali, Road No.- 23, P.S.- Rajiv Nagar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 71454 of 2021

Arising Out of PS. Case No.-324 Year-2021 Thana- DIGHA District- Patna

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Karan Kumar, Son of Sri Pappu Sao @ Pappu Kumar, Resident of Gandhi Gali Chauhata, Digha, P.S.- Digha, District - Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 64829 of 2021)

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr.Jagdhara Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 71454 of 2021)

For the Petitioner/s : Mr.Saket Gupta, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 30-08-2022 Since both the applications arise out of Digha P.S. Case No. 324 of 2021, as such, they have been heard together and are being disposed of by this common order.

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 Digha P.S. Case No. 324 of 2021 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, the petitioners and named co-accused along with three unknown miscreants stopped the vehicle of the informant and forcibly took away Rs. 2,30,000/- and his purse containing Aadhar Card, Pan Card and Driving Licence from him.

The learned counsels for the petitioners submit that the petitioners are innocent and they have been falsely implicated in this case due to previous enmity. No recovery has been made from the petitioner Karan Kumar, whereas recovery of Rs. 42,000/- has been shown from petitioner Bablu @ Bablu Kumar but the same belongs to the petitioner. There is previous dispute between the informant and the petitioner Bablu Kumar and for this reason, he has been falsely implicated in this case. Similarly placed co-accused Arbind @ Arbind Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 08.04.2022 passed in Cr. Misc. No. 64261 of 2021.



Charge-sheet has been submitted in this case and the petitioners are in custody since 17.06.2021.

Learned APP opposes the prayer for bail submitting that from petitioner Bablu Kumar apart from recovery of Rs. 42,000/-, Aadhar Card of informant was also recovered from him and he is a habitual offender. However, he concedes that no recovery has been made from petitioner Karan Kumar.

Perused the records.

Having regard to the submissions made hereinabove and considering the submission of charge-sheet against the petitioners as well as their period of custody, 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 Sub-Divisional Judicial Magistrate, Patna, in connection with Digha P.S. Case No. 324 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner Bablu @ Bablu Kumar will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the person, who has



sworn the affidavit in the case.

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

(iv) In case of absence on 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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