

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1524 of 2022

Arising Out of PS. Case No.-708 Year-2020 Thana- MAJHAULIA District- West Champaran

1. MANTOSH YADAV @ MANTOSH YADAWA Son of Suresh Yadav
Resident of Village - Jaukatiya, P.s.- Majhauliya, Distt.- West Champaran.
2. MUKESH KUMAR Son of Ramesh Yadav Resident of Village - Jaukatiya,
P.s.- Majhauliya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and the learned APP for the State, Sri Nagendra Prasad.

The petitioners seek regular bail in connection with Majhauliya P.S. Case No. 708/2020, registered for the offence punishable under Sections 399, 400, 401, 402, 403, 411, 413,



414, 419, 420, 467, 468, 471, 472, 379, 120B of the Indian Penal Code and Sections 66, 66(c) of the I.T.Act.

The case of the prosecution as per the written report of the informant is that on the alleged date and time of occurrence, he along with other police officials of technical cell and constables was on a special drive and during the course thereof, he reached near ATM of SBI at Majhaulia Bazar where 6-8 unknown miscreants started fleeing away upon seeing the police force, however, upon chase, four of them were caught and upon search, Rs. 40,000/- cash, ATM cards, bank passbooks, mobile phones etc. were recovered from them. It is further alleged that upon interrogation, the arrested accused persons had disclosed the name of 25 other co-accused persons including the petitioners herein.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are languishing in custody since



19.10.2021. The learned counsel for the petitioners has further submitted that no recovery of any incriminating article has been made from the conscious possession of the petitioners and they have been roped in the present case merely on disclosure made by the arrested co-accused persons, however, there is no material on record to connect the petitioners with any sort of crime having been committed. It is further submitted that similarly situated co-accused person, who in fact is the person, who was arrested from the spot, has already been granted bail by a coordinate Bench of this Court vide order dated 22.10.2021 passed in Criminal Miscellaneous No. 18072 of 2021.

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 petitioners and taking into account the materials available on record as also considering the parity



of the case of the petitioners with that of the co-accused person, who has already been granted bail by a coordinate Bench of this Court, apart from the fact that neither the petitioners was arrested from the spot nor any incriminating article has been recovered from their possession, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 708 of 2020.

(Mohit Kumar Shah, J)

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