

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14709 of 2023

Arising Out of PS. Case No.-160 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

1. Monu Kumar S/O Late Dilip Sah R/v- Cheharakala, P.S.- Goraul (Katahara O.P.), District- Vaishali
2. Manjeet Kumar S/O Prabhu Kumar Sah @ Prabhu Sah R/v- Cheharakala, P.S.- Goraul (Katahara O.P.), District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioners seek bail in
connection with Hajipur Sadar P.S. Case No. 160 of 2022
registered on 05.03.2022 for the alleged offences under Sections
394, 307 of the Indian Penal code and Section 27 of the Arms
Act.

04. As per prosecution case, four miscreants on two
motorcycles came to the Petrol Pump of the informant where he
has been working as a Nozzleman and after filling up of petrol



in motorcycle, they drew pistols and looted the mobile phone of another Nozzleman and also fired upon his leg, causing injury to him. They were looking for cash but did not get the same. The name of the petitioners surfaced during investigation as the accused persons who were involved in the robbery.

05. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. F.I.R. has been lodged against unknown and the petitioner have been named on the basis of confessional statement of co-accused Sonu Kumar recorded in Salimpur P.S. Case No. 133 of 2022, who named the petitioners as his associates and admitted his guilt in the present offence. However, the petitioners were not present at the place of occurrence and nothing incriminating has been recovered from their possession. No Test Identification Parade has been conducted. The petitioners are in custody since 21.10.2022 and charge-sheet has been submitted.

06. Learned APP for the State opposes the prayer for bail submitting that the petitioners are accused in three other case of similar nature.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the



the fact that no recovery has been shown from the petitioners and apparent lack of material against them and further considering period of custody of the petitioners along with submission of charge sheet, 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 160 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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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