

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22564 of 2023

Arising Out of PS. Case No.-288 Year-2022 Thana- MOTIPUR District- Muzaffarpur

1. MANOJ PRASAD S/O LATE VINDESHWAR DAS @ BINDESHWAR BHAGAT Resident of Village- Gadh Kharar, P.S.- Minapur, District- Muzaffarpur
2. UMA SHANKAR BHAGAT @ UMASHANKAR BHAGAT S/O BASDEV BHAGAT Resident of Village- Bulaki Tola, P.S.- Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr.Mohammed Arif, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 395 of the Indian Penal Code.

Allegedly, the pickup van of the informant along with goods loaded thereon was overtaken on a black colored four wheeler and has been looted by the miscreants.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to previous enmity. The



allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners are not named in the FIR. Their name has been transpired in the present case merely on the basis of confessional statement of one co-accused, namely, Subodh Ram. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Per contra, learned APP for the State vehemently opposed the bail petition and relied upon the judgment of the Apex Court in the case of *Indresh Kumar v/s. The State of U.P. & Anr.* passed in *Criminal Appeal No. 938 of 2022*.

Considering the facts and circumstances of the case as well as nature of the offence, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected.

(Anjani Kumar Sharan, J)

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