

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25372 of 2023

Arising Out of PS. Case No.-415 Year-2020 Thana- AURANGABAD TOWN District-
Aurangabad

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1. MD. MOIN KADAR KHAN @ KADAR KHAN SON OF QAYYUM KHALSA @ KAYAM KHAN @ QAYYUM KADAR KHAN R/O VILLAGE- JALALPUR, P.S.- PALWAL, DISTRICT- PALWAL, HARYANA
 2. WARIS KHAN @ WARIS SON OF JAFRUDDIN KHAN @ ZAFRUDEEN R/O VILLAGE- VILASHPUR, P.S.- TIJARA, DISTRICT- ARVAL RAJASTHAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 03-05-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.
2. Petitioners seek regular bail in connection with Aurangabad Town P.S. Case No.415 of 2020 dated 19.11.2020 registered for the offences punishable under Sections 379 and 427 of the Indian Penal Code.
3. The main submissions advanced by the learned counsel for the petitioners are that petitioners earlier preferred Cr. Misc. Nos.17505 of 2022 and 18383 of 2022 which were decided by a common order by this Court rejecting the prayer for bail made by the petitioners but they were given a



liberty to renew their bail prayer after the completion of investigation which was kept pending in respect of identified co-accused persons or after six months if the investigation is not completed in respect of the said identified co-accused persons during the said period and accordingly the petitioners have again come before this Court for the same relief of bail. Further submissions are that the instant matter relates to theft of Rs.21,81,800/- from an ATM machine in which several accused persons including the petitioners were allegedly found to be involved but except the statements of the accused persons given before the police, no material has been found by the police and the said statements have no evidentiary value and against the petitioners the investigation has been completed and they have been languishing in jail since 17.12.2021 and their case has been committed to the Court of Sessions and while rejecting the earlier prayer of the petitioners, this Court also observed that there was no strong material against the petitioners.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions made by learned counsel for the petitioners, and mainly the facts that the investigation against the petitioners has been completed but



against some of the identified accused persons is still running and against the petitioners the prosecution is mainly relying upon the statements of the accused persons given before the police in respect of their involvement in the alleged crime and the case of the petitioners has been committed to the Court of Sessions and two similarly situated co-accused persons have already been granted bail by different Benches of this Court vide orders passed in Cr. Misc. Nos.46148 of 2021 and 45928 of 2021, in the opinion of this Court a lenient approach can be taken in respect of the petitioners' prayer, let the petitioners be released **on bail after framing of charge** on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Aurangabad Town P.S. Case No.415 of 2020.

The trial Court is directed to frame the charges upon the petitioners at the earliest, preferably within 20 days from the date of communication of this order as per procedure of law.

(Shailendra Singh, J)

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