

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28379 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- PHENHARA District- East Champaran

Shubham Kumar @ Rishu Kumar @ Rishabh Kumar S/O Manoj Kumar Singh Resident of Village- Bishunpur Mohan @ Marpa Mohan @ Marpa P.S.- Phenhara, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakendra Kumar Singh S/O Ram Niranjana Singh Resident of Village- Dubahan, P.O.- Krishna Nagar, P.S.- Madhuban, District- East Champaran.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28381 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- PHENHARA District- East Champaran

Ashish Kumar @ Aashu Kumar @ Aashu S/O- Ajit Kumar Singh Resident Of Village Bishunpur Mohan @ Marpa Mohan @ Marpa, Police Station- Phenhara, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rakendra Kumar Singh son of Ram Niranjana Singh Village- Dubahan Po- Krishna Nagar Ps- Madhuban Dist- East Champaran

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 28379 of 2023)

For the Petitioner/s : Mr. Md. Anis Akhtar, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 28381 of 2023)

For the Petitioner/s : Mr. Md. Anis Akhtar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 25-05-2023 1. As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being decided together by a common order.
2. Heard learned counsel for the petitioners and the learned APP for the State.



3. Petitioners seek regular bail in connection with Phenara P.S. Case No. 24 of 2023 dated 26.02.2023 registered for the offence punishable under Section 392 of the Indian Penal Code.

4. The main submissions advanced by learned counsel for the petitioner Shubham Kumar @ Rishu Kumar @ Rishabh Kumar are that the petitioner is a student of BBA and he is not named in the FIR and he has been implicated in this case due to village politics and the allegation of recovery of the two alleged *SIMs* which are stated to have been made from petitioner's house is completely false and the same was recovered before such persons whose presence was unnatural at the place of alleged recovery.

5. In respect of petitioner namely Ashish Kumar @ Aashu Kumar @ Aashu, it is argued by learned counsel that this petitioner is a student who has just passed *matriculation* examination and due to local politics, he was falsely implicated in the present matter and he was arrested from his house and he is not named in the FIR and he comes from a reputed family and the recovery of the alleged one looted mobile phone has been wrongly shown as having been made from his possession.

6. It is further argued by learned counsel for the



petitioners that the informant has compromised with both the petitioners after getting knowledge about the false implication of the petitioners in the alleged crime. Further submissions are that both the petitioners have fair and clean antecedent and have been languishing in jail since 28.02.2023 and against them, the investigation has been completed and both the petitioners are young person.

7. Learned APP appearing for the State opposes the bail prayer.

8. Considering the above submissions and mainly the petitioners' fair and clean antecedent, their young age and their educational career as well as completion of the investigation against them, in my opinion it is a fit case for bail to the petitioners. Accordingly, let both the petitioners named-above be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Phenhara P.S. Case No. 24 of 2023.

(Shailendra Singh, J)

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