

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33562 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- FORBESGANJ District- Araria

1. SURAJ KUMAR SHARMA Son of Dinesh Sharma Resident of Village -
Khairkha, Ward No.10, P.s.- Forbisganj, Distt.- Araria.
2. Deepak Mandal @ Deepak Kmar Son of Birendra Resident of Village -
Madhubani, Ward no.8, P.s.- Forbisganj, Distt.- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-01-2023 Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in
connection with Farbisganj P.S. Case No. 06 of 2022
registered for the offence punishable under Section
392 of the Indian Penal Code.

The allegation is regarding unknown
persons having intercepted the informant and
snatched a sum of Rs. 20,000/-.

The learned counsel for the petitioners has
submitted that the petitioners are innocent and
they have been falsely implicated in the present



case. The petitioners are stated to have been remanded in the present case on 09.03.2022. The learned counsel for the petitioners has further submitted that though the petitioner no. 1 is an accused in three other cases but he is on bail only in one of them while the petitioner no. 2 is an accused in four other cases. The learned counsel for the petitioners has also submitted that though it has been alleged that a pulsar motorcycle, mobile phones, Aadhar card and a sum of Rs. 700/-, was recovered from the house of the petitioners but the learned counsel for the petitioners has referred to paragraph no. 8 of the present petition to submit that the motorcycle and the money in question are personal property of the petitioner and for the said recovery, one another case bearing Forbisganj P.S. Case No. 07 of 2022 has already been instituted, hence the petitioners cannot again be prosecuted for the same offence in the present case.

Per contra, the learned counsel 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 fact that neither any Test Identification Parade has been conducted so as to connect the petitioners with the alleged crime nor any looted cash amount/articles have been recovered from them, whereas the motorcycle and cash amount recovered from them are stated to be their personal property, I deem it fit and proper to admit the petitioners to the privilege of bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Farbisganj P.S. Case No. 06 of 2022.

(Mohit Kumar Shah, J)

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