

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34115 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- KOPA District- Saran

1. Lalu Khan S/O Jakaulah Khan @ Bhuteli Khan R/O Village-Kopa, P.S.-Kopa, Distt. Saran At Chapra
2. Bitu Kumar @ Bittu Kumar S/O Shatrudhan Prasad R/O Village-Kopa, P.S.-Kopa, Distt. Saran At Chapra
3. Sanjeev Kumar S/O Satyanarayan Manjhi @ Chetnarayan Manjhi R/O Village Pokhar Bhinda, P.S Kopa, Distt. Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-06-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

The petitioners seek bail in connection with Kopa P.S.
Case No. 142 of 2022 registered for the offence under Sections
392 and 411 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and
are in custody since 27.07.2022.

The allegation against the petitioners is to commit
robbery and while committing so taken away a pair of silver
anklet (*payal*), one aadhar card, one silver bangle for child and
passbook belongs to the informant.



Learned counsel appearing on behalf of the petitioners submitted that it appears from the narration of F.I.R. that immediately after occurrence, while petitioners were in process to snatch the mobile phone of a truck driver, were apprehended by police. It is submitted that as recovery of present occurrence made immediately, non-finding of the items as alleged to be looted, creates a serious doubt regarding implication of petitioner with present case. It is submitted that the recovered alleged silver jewelries were not put on TIP to connect petitioners with present occurrence. While concluding the argument, it has been submitted that petitioner no. 1 found involved in one more criminal case, where he is on bail and petitioner nos. 2 and 3 are of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that the petitioners were apprehended immediately after the occurrence.

Considering the facts and circumstances as mentioned above and by taking note of the fact as recovery of alleged looted articles, immediately after occurrence is not matched and



were not put on material identification, as per law/rule coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 27.07.2022 accordingly all three petitioners, above named, are directed to be released on bail in connection with Kopa P.S. Case No. 142 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chapra/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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