

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37417 of 2023

Arising Out of PS. Case No.-808 Year-2021 Thana- PHULWARISHARIF District- Patna

1. Md. Sadan @ Bauna S/O Md. Tufail R/O Village- Taj Nagar, Bakkho Toli, Ps. Phulwarisharif, Distt. Patna
2. Md. Tufail S/O Late Ammu R/O Village- Taj Nagar, Bakkho Toli, Ps. Phulwarisharif, Distt. Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioners seek bail in
connection with Phulwarisharif P.S. Case No. 808 of 2021 (G.R.
No. 6468 of 2021) registered on 22.09.2021 for the alleged
offences under Section 394 of the Indian Penal Code.

04. As per prosecution case, three miscreants entered
into a warehouse and looted Rs. 14,08,440/- cash and a number
of mobile phones. The petitioners are stated to be the accused
persons as their names transpired in this case during



investigation.

05. Learned counsel for the petitioner submits that this is the second attempt of the petitioner to get bail from this Court, as earlier the prayer for bail of the petitioner was rejected vide order dated 23.08.2022 passed in Criminal Misc. No. 26269 of 2022 whereby the learned trial court was directed to conclude the trial within a period of nine months. The charges have been framed on 19.11.2022, but there is no likelihood of early conclusion of the trial in the near future. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot and they have been falsely implicated in this case. Nothing incriminating has been recovered from the possession of the petitioners. The petitioners are father and son and they are in custody since 16.12.2021.

06. Learned APP for the State opposes the prayer for bail submitting that no new ground has been put forward and moreover, from the petitioners recovery of 12 looted mobile phones were made.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the delay in conclusion of trial and further considering period of custody of the petitioners, they are directed to be released on



bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Patna, in connection with Phulwarisharif P.S. Case No. 808 of 2021 (G.R. No. 6468 of 2021), subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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