

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39893 of 2023

Arising Out of PS. Case No.-122 Year-2021 Thana- BARBIGHA District- Sheikhpura

1. GANESH KUMAR SON OF RAM ISHLOK YADAV RESIDENT OF VILLAGE KRISHNA BIGHA, PS- HILSA, DISTRICT- NALANDA
2. MUKESH KUMAR @ MUKESH YADAV SON OF VIRMANI PRASAD RESIDENT OF VILLAGE- RUPAN BIGHA, PS- THARTHARI, DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mrs.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

- 2 24-07-2023
1. Learned counsel for the petitioners is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.
 2. Heard learned counsel for the petitioners and learned A.P.P. for the State.
 3. The petitioners have preferred this application for grant of regular bail in connection with Barbigaha P.S. Case No. 122 of 2021 dated 27.4.2021 registered for the offences punishable u/s 395, 412 of the Indian Penal Code.
 4. As per the prosecution case, 7-8 unknown miscreants entered the house of the informant and tied the hands and legs of the informant and his wife. They assaulted



and abused them. They also looted clothes, jewelries, mobiles, utensils, T.V and other valuable articles from the house of the informant.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. Nothing incriminating material has been recovered from the conscious possession of the petitioners. No TIP has been conducted by the prosecution. The petitioners are not named in the FIR rather their names have sprung up in the confessional statement of co-accused Akhileshwar Kumar Yadav. The co-accused person has already been granted bail by the Coordinate Bench of this Court vide order dated 22.5.2023 passed in Cr. Misc. No. 22445 of 2023. The petitioners have got 6 criminal cases which are of similar nature as stated in para 3 of the bail petition. The petitioners are in custody since 25.1.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing



bail-bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Sheikhpura in connection with Barbigha P.S. Case No. 122 of 2021 with the condition :-

(i) The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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