

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42748 of 2022

Arising Out of PS. Case No.-132 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

1. ABHAY TIWARY Son of Amardeo Tiwary Resident of Village - Naraon, P.S.- Bhabua, Distt.- Kaimur at Bhabua.
2. MUNI LAL RAM @ LALU Son of Jalim Ram Resident of Village - Naraon, P.S.- Bhabua, Distt.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 31-01-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Durgawati P.S. Case No. 132 of 2022, registered for the offences punishable under Section 392 of the Indian Penal Code.

The case of the prosecution, according to the informant is that he is driver of the truck in question and while he was taking the said truck, loaded with cement of Himalaya Cement Factory, to Chapra, he had parked the truck in front of Sri Narayan Logistic Transporter and gone to sleep. It is further alleged that after sometime he was



awaken by the noise of breaking of the glass of the truck and found that one person had entered into the cabin and on pistol point had demanded money, whereupon, the informant handed over a sum of Rs. 5000/- to the said miscreant, whereafter all the miscreants had fled away on their motorcycle but the informant is stated to have clicked the photographs of the motorcycles of the miscreants.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are languishing in custody since 27.05.2022. The learned counsel for the petitioners has further submitted that though the petitioners are an accused in one another case but they are on bail in the said case. The learned counsel for the petitioners has next contended that no Test Identification Parade has been conducted in the present case so as to connect the petitioners with the alleged crime. It is next submitted that the motorcycle recovered from the house of the



petitioner no. 2 belongs to his uncle as has been stated categorically in the supplementary affidavit filed in the present case. It is also contended that the name of the petitioners have transpired in the present case upon confessional statement made by the co-accused person, namely, Naushad Ansari, who has already been granted bail vide order dated 16.12.2022 passed in Criminal Miscellaneous No. 54306 of 2022.

Per contra, the learned A.P.P. 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 no Test Identification Parade has been held so as to connect the petitioners with the alleged crime, apart from the fact that co-accused person has already been granted bail by a Co-ordinate Bench of this Court, 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,
Bhabua (Kaimur) in connection with Durgawati P.S.
Case No. 132 of 2022.

(Mohit Kumar Shah, J)

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