

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40228 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- SIMRA District- West Champaran

Nikhil Mishra Son Of Rajesh Mishra @ Tuntun Mishra R/O Village-
Kehuniya, P.S.- Shikarpur, Distict- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45141 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- SIMRA District- West Champaran

Dipu Kumar Rai Son Of Kishuni Rai @ Bishuni Roy R/O Village- Bariarwa,
P.S.- Semra (chiutaha), District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40228 of 2022)

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

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

(In CRIMINAL MISCELLANEOUS No. 45141 of 2022)

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 20-02-2023 Both the criminal miscellaneous petitions have arisen

out of same police station case number, hence they are being

heard together and disposed of by a common order.

Let the defects, if any, pointed out by the office be

removed within three weeks from the date of this order, failing

which the matter be listed again under the appropriate heading



for necessary action.

Heard learned counsels for the petitioners and learned
APPs for the State.

Petitioners seek regular bail in connection with Semra P.S.
Case No. 07 of 2022 registered for the offences punishable
under Sections 395 of the Indian Penal Code.

As per the prosecution, the informant and his
companion were looted by some unknown miscreants, who
snatched Rs.-11,07,000/-, cheque books, mobile phones etc from
the possession of both the persons.

The main submissions advanced by learned counsel
Mr. Deovind Kumar Singh, appearing for the petitioner Nikhil
Mishra are that the petitioner is 19 years old, having fair and
clean antecedent and has been languishing in jail since
09.02.2022. Further submission is that as per the prosecution
only one looted Mobile Phone is alleged to have been recovered
from the possession of this petitioner but in actual the said
petitioner bonafidely purchased the said mobile phone from one
namely, Anuj Kumar Chaubey and at the time of recovery he
was using the said mobile phone after inserting his father's Sim
Card which also shows his bonafide intention.

The main submissions advanced by learned counsel



Mr. Chandra Mohan Jha, appearing for the petitioner Dipu Kumar Rai are that the said petitioner is 19 years old and has been languishing in jail since 09.02.2022, having fair and clean antecedent and one similarly situated co-accused, Amit Kumar Sharma has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.25050 of 2022.

Learned APPs Mr. Parmanand Kumar, and Mr. Pranav Kumar, appearing for the State in Cr. Misc. Nos. 40228 of 2022 and 45141 of 2022 respectively have opposed the prayer for bail of the petitioners.

In view of the above facts, as stated above and mainly taking into account the petitioners' young age and their fair and clean antecedent as well as their custody period, in the opinion of this Court both the petitioners deserve to a lenient approach of this Court. Accordingly, let both the petitioners named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Semra P.S. Case No. 07 of 2022.

(Shailendra Singh, J.)

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