

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46116 of 2022**

Arising Out of PS. Case No.-130 Year-2022 Thana- KAUWAKOL District- Nawada

Rahul Kumar Son of Ashok Yadav Resident of village - Marwa, Police
Station- Pakaribarawan, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47016 of 2022

Arising Out of PS. Case No.-130 Year-2022 Thana- KAUWAKOL District- Nawada

1. Ajit Kumar S/o Shyam Tanti, Resident of village-Mirbigha, P.S.- Shekhopur Sarai, District- Shekhpura, at present resident of Bhikhampur, P.S.- Ruapa, District- Nawada.
2. Ranjit Kumar S/o Ram Prasad Tanti, Resident of village- Bhikhampur, P.S.- Rupau, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46116 of 2022)

For the Petitioner/s : Mr. Hansraj, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

(In CRIMINAL MISCELLANEOUS No. 47016 of 2022)

For the Petitioner/s : Mr. Niraj Kumar, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

- 3 13-02-2023 Let the defect(s), 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.

As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being taken up and decided together.

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

Petitioners seek regular bail in connection with Kawakole P.S. Case No. 130 of 2022 registered for the offence punishable under Section 392 of the IPC.

As per the prosecution, the informant has alleged that three miscreants snatched his mobile phone and a cash of Rs. 3,000/- by brandishing a weapon.

The main submissions advanced by the learned counsel Mr. Niraj Kumar for the petitioners Ajit Kumar and Ranjit Kumar are that both the petitioners are not named in the FIR and languishing in jail since 02.04.2022 and from the possession of petitioner Ajit Kumar no recovery of any looted article was made and petitioner Ranjit Kumar's name surfaced in the confessional statement of co-accused persons given before the police.

The main submissions advanced by the learned



counsel Mr. Hansraj, for the petitioner Rahul Kumar are that the petitioner is not named in the FIR and after his arrest, he was not put on test identification parade and from his possession nothing incriminating or looted articles was recovered and he has been languishing jail since 02.04.2022 and against him there is no legal evidence except confessional statement given before the police.

Learned APP appearing for the State has opposed the bail prayer of all the petitioners.

Having considered the above submissions, and mainly the fact that against the petitioners Rahul Kumar and the Ajit Kumar, the main material upon which the prosecution is relying is confessional statements of co-accused persons and both the petitioners have been languishing in jail since 02.04.2022, in the opinion of this Court a lenient approach can be taken in respect of petitioners' prayer, let the petitioners namely, Ajit Kumar and Rahul Kumar be released on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Kawakole P.S. Case No. 130 of 2022.

So far as the prayer of petitioner Ranjit Kumar is concerned as from his possession the looted mobile phone was



recovered as reflects from the order of learned court below, this court is not inclined to release him on bail at this stage, Accordingly, his bail prayer stands rejected.

The petitioner namely, Ranjit Kumar may renew his bail prayer after six months, if any progress in his trial is not made in the said period.

(Shailendra Singh, J)

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