

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56236 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- AMDABAD District- Katihar

AMAR SINGH Son of Pancho Singh Resident of- Gola Ghat, Hardeo Tola,
P.S.- Amdabad, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56668 of 2022

Arising Out of PS. Case No.-7 Year-2020 Thana- KORHA District- Katihar

UTTAM KUMAR Son Churamuni Mandal R/O- Lailakh, P.S.- Sabaur,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 61585 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- AMDABAD District- Katihar

UMESH SINGH Son of Narayan Singh R/V- Golaghat Bandh, P.S- Amdabad,
Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56236 of 2022)

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Ms. Rina Sinha, APP.

(In CRIMINAL MISCELLANEOUS No. 56668 of 2022)

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 61585 of 2022)

For the Petitioner/s : Mr. Bimal Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 21-02-2023 The Cr. Misc. No. 56668/2022 was directed to be

listed along with both the Cr. Misc. Nos. 56236/2022 and



61585/2022 vide order dated 12.01.2023 but the said Cr. Misc. No. 56668/2022 belongs to different P.S. Case No. hence, the said Cr. Misc. No. 56668/2022 is directed to be detached from the Cr. Misc. Nos. 56236/2022 and 61585/2022.

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.

Both the criminal miscellaneous petitions Nos. 56236/2022 and 61585/2022 have arisen out of the same police station case number, hence they are being heard together and disposed of by a common order.

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

Petitioners seek regular bail in connection with Amdabad P.S. Case No. 133 of 2022 registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code and Section 27 of Arms Act.

As per the prosecution, six persons on three motorcycles overtook and surrounded the informant and stopped his motorcycle and tried to snatch his bag containing ten lac rupees cash, a laptop and one mobile phone. On his protest, they



fired upon the informant and fled away with the aforesaid bag.

It is submitted by learned counsel Mr. Sanjeev Kumar Singh appearing for the petitioner namely, Amar Singh that mainly on the basis of CCTV footage, the said petitioner has been made accused in the present matter and as per the prosecution, Rs. 50,000/- is stated to have been recovered from the house of this petitioner but the said money belongs to the petitioner and he has been languishing in jail since 03.07.2022 having fair and clean antecedent and after his arrest, the police did not get the petitioner identified through the procedure of *Test Identification Parade* and one similarly situated co-accused person namely, Uday Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 08.02.2023 passed in Cr. Misc. No. 59491/2022.

It is submitted by learned counsel Mr. Bimal Kumar appearing for the petitioner namely, Umesh Singh that the name of this petitioner surfaced in the statement of co-accused person namely, Amar Singh though, as per the prosecution, Rs. 50,000/- is stated to have been recovered from the house of this petitioner but the said money belongs to the petitioner and moreover when the recovery of the money was made then this petitioner was not present at his house and he himself surrendered on 12.07.2022



before the Court below and despite his surrender, the police did not make any attempt to get this petitioner identified through the procedure of *Test Identification Parade* and he has fair and clean antecedent.

Learned APPs. Ms. Rina Sinha and Mr. Sanjay Kumar Singh appearing for the State have opposed the bail prayers of both the petitioners.

In view of the facts, as stated above and mainly the facts that one co-accused person mentioned-above is on bail and during the course of argument, learned counsel for the petitioner namely, Umesh Singh has drawn attention of this Court regarding the contradiction between the details of the CCTV footage mentioned at para 15 of the case diary and the details of the seizure of the said motorcycles mentioned at para 52 of the case diary and the same shows a serious contradiction with regard to company and model of the alleged motorcycles and moreover both the petitioners have fair and clean antecedents and they have been made accused mainly on the basis of CCTV footage and thereafter the police failed to recover any cogent material against the petitioners except the recovery of Rs. 50,000/- from their houses, which have been claimed by both the petitioners to be belonging to them, in my opinion both the



petitioners deserve to the privilege of bail. 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 Court concerned in connection with Amdabad P.S. Case No. 133 of 2022.

(Shailendra Singh, J)

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