

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64356 of 2022

Arising Out of PS. Case No.-359 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

Santraj Kumar, son of Krishna Paswan, resident of village Sevgar, P.S.
Udwaant Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64791 of 2022

Arising Out of PS. Case No.-359 Year-2022 Thana- UDWANTNAGAR District- Bhojpur

Golu Kumar, son of babunand paswan, resident of village sewgar, p.s.
Udwant Nagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64356 of 2022)

For the Petitioner/s : Mr.Parmatma Singh, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 64791 of 2022)

For the Petitioner/s : Mr.Parmatma Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-02-2023 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



Udwant Nagar P.S. Case No. 359 of 2022 registered for the offence punishable under Section 392 of the Indian Penal Code.

As per the prosecution, the informant alleged that two unknown miscreants looted a cash of Rs. 42923/-, some cards, mobile phones etc by brandishing their weapons from the informant.

The main submissions advanced by the learned counsel for the petitioners are that the petitioner namely, Santraj Kumar is a young boy aged about 19 years and his name surfaced in the statement of co-accused Golu Kumar (petitioner) but from his possession any part of the looted articles was not recovered and he was not put on test identification parade and accordingly there is no legal evidence against him to connect him to the alleged occurrence of loot and he has fair and clean antecedent and has been languishing in jail since 28.08.2022.

It is further argued by learned counsel for the petitioner namely, Golu Kumar that he is a young person having fair and clean antecedent and he has been languishing in jail since 28.08.2022.

Learned APPs appearing for the State have opposed the bail prayer of both the petitioners.

Considering the young age of the petitioner Santraj



Kumar and his fair and clean antecedent and also the fact that no recovery of any looted article was made from his possession and he was not put on test identification parade as submitted by his learned counsel and the said plea has not been refuted by learned APP, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the **petitioner namely, Santraj Kumar be released 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 Udwant Nagar P.S. Case No. 359 of 2022.

So far as the prayer of the petitioner namely **Golu Kumar** is concerned, as according to order impugned some looted articles have been recovered in following with the disclosure statement made by the said petitioner, hence, in view of recovered incriminating evidence against him, this court is not inclined to accept his bail prayer. Accordingly, **bail prayer of petitioner namely, Golu Kumar stands rejected.**

(Shailendra Singh, J)

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