

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62384 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- SIWAIPATTI District- Muzaffarpur

JITENDRA KUMAR S/O SURESH DAS R/O VILLAGE- DHODHARA,
P.S- RAJEPURA, DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70070 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- SIWAIPATTI District- Muzaffarpur

ROHIT KUMAR Son of Parasnath Pandey R/o vill - Minapur Pandey Tola,
P.S. - Minapur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62384 of 2023)

For the Petitioner/s : Mr.Md Ibrahim

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

(In CRIMINAL MISCELLANEOUS No. 70070 of 2023)

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 399, 402, 411, 412, 413, 414, 467, 468, 34 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of Arms Act.



3. Allegation against the petitioners along with other co-accused persons is that while they were assembled and preparing for committing offence, the police party raided the place of occurrence and arrested them including the petitioners. On search, a loaded country made katta, one live cartridges, one super splendor motorcycle without number were recovered from possession of the petitioners. And other articles were also recovered from other accused persons. Thereafter, police prepared seizure list and instituted the present case.

4. Learned counsel for the petitioner submits that the petitioners are innocent and have committed no offence. Petitioners were forced to consume wine without disclosing them regarding preparation of dacoity. Nothing was recovered from conscious possession of the petitioners rather the alleged recovery is forged one. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Similarly situated other accused person has already been enlarged on bail by this Court vide order dated 6.11.2023 passed in Cr. Misc. No. 70536 of 2023. It is further submitted that both the petitioners are languishing in judicial custody since 7.6.2023.

5. Learned APP appearing for the state has opposed



the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Siwaipatti P.S. Case No. 112 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., East, Muzaffarpur or the concerned court below.

(Sunil Kumar Panwar, J)

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