

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67318 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- MUSRIGHRARI District- Samastipur

SANJAY KUMAR @ SANU Son of Ram Jatan Mahto R/v and P.O.-
Mohanpur, P.S.- Samastipur Muffasil, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67724 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- MUSRIGHRARI District- Samastipur

ANKIT KUMAR Son of Late Ganesh Kumar Singh @ Ganesh Prasad Singh
R/V- Adharpur, P.S- Samastipur Muffasil, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67318 of 2022)

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 67724 of 2022)

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 18-04-2023 As both the criminal miscellaneous petitions

have arisen out of same P.S. case, hence they are being taken up

and decided together.

2. Heard learned counsels for the petitioners

and the learned APPs for the State.

3. Petitioners seek regular bail in connection

with Musrighrari P.S. Case No.115 of 2022 dated 06.07.2022

registered for the offence punishable under Section 392 of the



Indian Penal Code.

4. The main submissions advanced by the learned counsel for the petitioner Sanjay Kumar @ Sanu are that the FIR was registered against unknown persons, during investigation the name of this petitioner came into light on the basis of information provided by some spy to the police and thereafter the petitioner was arrested and according to the prosecution he made a confession before the police and in following with the disclosure made by him one motorcycle and one mobile phone were recovered but among the said recovered articles motorcycle belongs to the petitioner's brother, though as per prosecution the recovered mobile phone is stated to be one of the looted articles but the same has not been put on Test Identification Parade. Further submissions are that the petitioner has fair and clean antecedent and has been languishing in jail since 11.07.2022 and except the alleged mobile phone no any other incriminating material was recovered from his possession and he has been chargesheeted.

5. The main submissions advanced by the learned counsel for the petitioner Ankit Kumar are that from the possession of the petitioner no recovery of any incriminating material connecting him to the alleged crime was made, though



as per prosecution one mobile phone is stated to have been recovered from his possession but the said mobile belongs to the petitioner and the same is not a looted mobile phone and petitioner's name surfaced in the statement of co-accused Sanjay Kumar. Further submission is that against the petitioner there are criminal antecedents of two cases in which he is on bail and he has been languishing in jail since 15.07.2022.

6. Learned APPs appearing for the State have opposed the bail prayer.

7. In view of the facts, as stated above, and mainly considering the petitioners' custody period and stage of their case, in the opinion of this Court a lenient approach can be taken in respect of the petitioners' prayer, let the petitioners be released **on bail after framing of charge, if the same has not been framed** 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 Musrighrari P.S. Case No.115 of 2022.

(Shailendra Singh, J)

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