

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15175 of 2024

Arising Out of PS. Case No.-96 Year-2023 Thana- KARAI PARSURAI District- Nalanda

- 1. Nitish Kumar Son of Chandra Shekhar Prasad Resident of Village- Milki Hurari, P.S.- Karai Parsurai, District- Nalanda
- 2. Santosh Kumar Son of Ramjee Prasad Resident of Village- Milki Hurari, P.S.- Karai Parsurai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar No. I, Adv.
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel appearing on behalf of the

petitioners and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioners are not named in F.I.R.

and apprehending their arrest in connection with Karai

Parsurai P.S. Case No. 96/2023 registered for the offences

punishable under Section 394 of the Indian Penal Code.

3. The allegation against petitioners and other co-

accused persons is to commit robbery and while committing

so, looted mobile and cash of Rs. 400/- belongs to

informant.

4. Learned counsel appearing on behalf of the petitioners submitted that out of road rage issues, the present false implications of petitioners was made. It is submitted that petitioners were not apprehended on spot rather their names were surfaced on the basis of disclosure made by apprehended co-accused persons. It is submitted that the narration of F.I.R. appears peculiar in the sense that even after alleged occurrence, co-accused persons were found standing with iron rod, stones and bricks in their hand at place of occurrence till returning of the informant, who with the help of several persons nabbed them and handed over to police. It is submitted that it is a case of road rage but was given a colour of robbery in the background of the issues which was cropped up during the road journey with local peoples/residents.

5. Learned counsel appearing on behalf of the petitioners further submitted that petitioner no. 2 is a man of clean antecedent, whereas petitioner no. 1 found involved in two more similar cases of different and petty nature, where he is on bail.

6. Learned APP appearing for the State opposes the prayer of bail.

7. Considering the aforesaid facts and circumstances and by taking note of fact as save and except disclosure/confessional statement of apprehended co-accused, who were apprehended by private persons, nothing appears incriminating prima facie against petitioners, accordingly both petitioners above named, in the event of their arrest or surrender before learned trial court within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa (Nalanda)/concerned Court, where the case is pending in connection with Karai Parsurai P.S. Case No. 96 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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