

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18837 of 2024

Arising Out of PS. Case No.-938 Year-2023 Thana- BIHAR District- Nalanda

1. Vikky Pandey son of Late Jagarnath Pandey Village- balba Kumari, Ps- Sadar Dist- Vaishali
2. Gopal Tiwari son of Late Bhogal Tiwari Village- balba Kumari Ps- Sadar Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 15-03-2024 Heard learned counsel for the petitioners and learned APP for the State. A supplementary has been filed on behalf of the petitioners, the same be kept on record.

2. The petitioners seek bail in Bihar P.S. case No. 938 of 2023 instituted for the offences under Sections 356 and 379 of the Indian Penal Code.

3. Prosecution allegation, in short, is that while the informant was returning from bank after withdrawing money, the accused persons came on motorcycle and snatched his bag containing Rs. 1,50,000/- and other documents.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the



present case. The petitioners are not named in the F.I.R. The names of the petitioners have transpired during the course of investigation on the basis of their self confession which has no evidentiary value. No incriminating material has been recovered from the conscious possession of the petitioners. The petitioners have not been put on Test Identification Parade to ascertain their participation in the alleged occurrence. In fact, the petitioner were arrested in Nayagaon P.S. case No. 189 of 2023 and on the basis of his confessional statement, he has been made accused in the present case. The petitioners were granted bail in Nayagaon P.S. case No. 189 of 2023. Charge-sheet has been submitted in this case. The petitioner is in custody since 11.12.2023. The petitioner No. 1 has 10 criminal antecedents in which he is on bail in seven cases and petitioner No. 2 has eight criminal antecedents in which he is on bail in four cases and in one case, the petitioner No.2 has been acquitted by the Court below.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bihar P.S. case No. 938 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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