

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36485 of 2024

Arising Out of PS. Case No.-1365 Year-2022 Thana- PHULWARISHARIF District- Patna

1. Md. Imran @ Raza Son Of Md. Suhel Alam Resident Of Village - Damara, P.S. - Bhagwanganj, District - Patna
2. Safi Alam @ Munna Son Of Late Ali Raza Resident Of Village - Chandapar, P.S. - Masaurhi, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Digamber Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 05-07-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Phulwarisharif P.S. Case No. 1365 of 2022, instituted for the offences punishable under Section 394 of the Indian Penal Code.

3. The prosecution case, in short, is that, four unknown criminals have assaulted the informant, abused him, and thereafter, looted cash to the tune of Rs. 27,000/- along with his purse having Rs. 7,000/- containing driving licence.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered



from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that no looted articles have been recovered from the conscious possession or house of the petitioners. No T.I.P. has been conducted in this case. The petitioners have been remanded in this case on 08.06.2023 and have got nine criminal antecedents. Learned counsel for the petitioners further submits that similarly situated co-accused has been granted bail by this Court vide order dated 04.12.2023 passed in Cr. Misc. No. 76928 of 2023.

5. Learned APP 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, taking into account the period of custody undergone by the petitioners and claim based on parity, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Phulwarisharif P.S. Case No. 1365 of 2022, 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.

(III) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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