

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46475 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- PATAHI District- East Champaran

Dilip Kumar Thakur S/O Jitan Thakur R/O Village- Akhta, Ward No.-6, P.S-
Suppi, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52684 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- PATAHI District- East Champaran

Rahul Kumar @ Raushan Kumar Son of Benilal Mahto Resident of Vill-
Pachtaki Ram, P.S.- Bairganiya, District- Sitamarhi, At present R/O Vill-
Ratan Sayar, P.S.- Patahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46475 of 2024)

For the Petitioner/s : Mr.Santosh Kumar Pandey, Advocate
Mr. Gajendra Kumar, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

(In CRIMINAL MISCELLANEOUS No. 52684 of 2024)

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

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in
connection with Patahi P.S. Case No. 23 of 2024, registered on
11.02.2024 for the alleged offences under Sections 392/34 of



the Indian Penal Code. Subsequently, converted under Section 395 of the Indian Penal Code.

3. As per prosecution case, three unknown miscreants at the gun point snatched gold ornaments weighing 200 gms and silver ornaments weighing 5 kgs from the informant. They also snatched mobile phone of the informant, his gold ring, gold chain, gold pendant and keys of jewellery shop. They also took rupees twenty-twenty five thousand from the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is no material to show the involvement of the petitioners in the present case. No recovery of any looted article and nothing incriminating has been recovered from the person or possession of the petitioners. The petitioners have not been put to any Test Identification Parade. The petitioner Rahul Kumar was apprehended and his confessional statement was recorded, who disclosed the name of petitioner Dilip Kumar Thakur. Learned counsel further submits that the recovery shown at the instance of petitioner Dilip Kumar Thakur is not believable since petitioner Rakul Kumar was arrested earlier and the recovery of firearms is stated to be from the matrimonial place of petitioner Rahul Kumar and it is surprising that if the



confessional statement of petitioner Rahul Kumar was recorded he did not disclose this fact about concealing of firearm in his matrimonial house. The petitioners are in custody since 16.04.2024 and charge sheet has been submitted. The petitioners are having antecedent of two cases.

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that the recovery of firearm has been made at the instance of petitioner Dilip Kumar Thakur from the matrimonial house of petitioner Rahul Kumar.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material to show involvement of the petitioners with the offence as alleged and further considering the period of custody of the petitioners and submission of charge sheet, the petitioners above named are directed to 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 learned Judicial Magistrate, Ist Class, East Champaran, Motihari/concerned Court in connection with Patahi P.S. Case No. 23 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure



and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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