

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53291 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- ARA MUFFSIL District- Bhojpur

Bishal Kumar @ Vishal Kumar Son of Ashok Prasad R/O Village- Paroo,
P.S.- Bihta, District- Patna Petitioner/s

Versus

The State of Bihar Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56481 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- ARA MUFFSIL District- Bhojpur

Sahil Raj @ Tis S/O Harendra Singh R/O Village- Nathmalpur, P.S- Barahara,
District- Bhojpur Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53291 of 2024)

For the Petitioner/s : Mr. Raj Dular Sah, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 56481 of 2024)

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

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 02-08-2024 Heard learned counsel for the parties.

2. The petitioners seek bail in connection with
Ara Mufassil P.S. Case No. 08 of 2024 registered for the offence
under Sections 392 of the Indian Penal Code.

3. As per allegation in the FIR, it is a case of
loot of motorcycle bearing registration No. BR03T5784 and a
mobile phone of the informant by the petitioners alongwith co-



accused persons.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that the petitioners were granted bail by this Hon'ble Court vide order dated 23.04.2024 passed in Cr. Misc. No. 28093 of 2024 and Cr. Misc. No. 32130 of 2024 vide order dated 20.05.2024 but during investigation and before filing the bail bond charge sheet was submitted by the investigating officer offence under Section 395, 412, 414, 420, 467 and 468 of the IPC against the petitioners and accordingly cognizance has been taken against the petitioners. So, learned Additional Sessions Judge -IVth did not permit the petitioners to furnish bail bonds. He next submits that the petitioners are in custody since 22.01.2024 and 29.01.2024 respectively.

5. Learned APP appearing on behalf of the State, opposes the prayer of bail of the petitioners.

6. Considering the facts and circumstances of the case, submissions made on behalf of the petitioner, let the above-named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV Bhojpur at Ara, in connection with Ara



Mufassil P.S. Case No. 08 of 2024.

7. It has come into light that the learned Additional Sessions Judge - IV Bhojpur at Ara has rejected the bail bond on the basis that charge sheet has been filed under a different Section of Indian Penal Code. Earlier, the bail that was granted by this Court, the concerned Court did not permit the petitioners to furnish bail bonds.

8. Let a report be issued to the learned Additional Sessions Judge - IV, Bhojpur at Ara, under which provisions the concerned Court did not permit the petitioners to furnish bail bonds when the bail was granted by this Court in the same matter arising out of Ara Mufassil P.S. Case No. 08 of 2024.

9. The District & Sessions Judge, Ara at Bhojpur is hereby directed to verify and submit a detailed written report whether learned Additional Sessions Judge - IV, Bhojpur at Ara / concerned Court did not permit the petitioners to furnish bail bonds in similar circumstances from the date when the learned Additional Sessions Judge - IV has assumed the charge at judgeship of Bhojpur at Ara.

10. Both the reports of District & Sessions Judge and Additional Sessions Judge - IV, Bhojpur at Ara shall be submitted within a period of four weeks from the date of copy



of receipt of this order.

11. Registry is directed to communicate this order to
the concerned Court at once.

(Ramesh Chand Malviya, J)

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