

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54368 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- KOCHADHAMAN District- Kishanganj

Badiruddin @ Md. Badiruddin Son of Abdul Mannam R/O Vill.- Malsavad,
P.o.- Sultan Nagar, P.s.- Harishchandpur, Dist.- Malda, West Bengal

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60927 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- KOCHADHAMAN District- Kishanganj

Md Ashraf Alam @ Gabbar S/o Ruhul Amin Resident of village -Patalwa,
ward no 17, P.S. - Kishanganj, Distt. - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 54368 of 2024)

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 60927 of 2024)

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 18-10-2024 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners are in custody in connection

with Kochadhaman P.S Case No. 11 of 2024 registered for

the offences punishable under Sections 395 and 397 of

Indian Penal Code, Section 3/4 of Explosive Substance Act



and Section 27 of the Arms Act.

3. As per the prosecution case, allegation against the petitioners is to have looted the silver chain and other articles from the house of informant and also assaulted the informant and his family members.

4. Learned counsel for the petitioner submits that petitioners have falsely been implicated in this case. It is further submitted that petitioners are not named in the FIR, their name surfaced on the basis of confessional statement of the co-accused and no looted articles were recovered from the conscious possession of the petitioners. He next submits that investigation has already concluded and accordingly charge-sheet submitted and no TIP is conducted by the Investigation Officer. Petitioners are in judicial custody since 28.02.2024 and 12.02.2024 respectively. He next submits that denomination of 50 notes of Rs.500 and two mobile phones were recovered from the possession of petitioner Badiruddin @ Md. Badiruddin and three like silver chains, motorcycle and phone were recovered from the possession of petitioner Md Ashraf Alam @ Gabbar but it is evident from Annexure-2 of this petition, it appears that the said



recovered motorcycle belongs to one Jamil who is the nephew of the petitioner no.2. He next submits that similarly situated co-accused persons have already been granted bail by this Court passed in Cr. Misc. Nos. 38301 of 2024 and 41409 of 2024.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioners and also the fact that similarly situated co-accused persons have already been granted bail by this Court, let the above named 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 learned C.J.M, Kishanganj in connection with Kochadhaman P.S Case No. 11 of 2024.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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