

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7588 of 2024

Arising Out of PS. Case No.-130 Year-2023 Thana- KISHANGANJ District- Kishanganj

1. Nehal Kumar Roy @ Nihal Kumar Ray Son of Shambhu Roy R/o vill - Dharamganj Majhiya Road, ward no. 28, P.S. - Kishanganj, Distt. - Kishanganj
2. Raj Sharma @ Shiva Sharma @ Pochu Sharma Son of Ajay Sharma @ Ajay kumar Sharma R/o vill - Dharamganj Majhiya Road, ward no. 28, P.S. - Kishanganj, Distt. - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2.The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 413 and 414 of the Indian Penal Code.

3. The prosecution case in short is that the informant along with police personnel was on patrolling duty and received information that many people are buying and selling stolen goods at Ankit Kumar's house and when police team reached there then 7-8 persons ran away from his house but one person was present and on asking his name, he told his name Gopal Rai and he was apprehended on spot. During search, total 196 goods



were recovered but no document regarding alleged recovery of goods was produced by him. The police inquired about the recovered good from apprehended person, he told that his son Ankit Kumar and other persons including the petitioners brought stolen goods for distribution at his house.

4. Learned counsel for the petitioner submits that the petitioners are innocent and have committed no offence. The main accused is co-accused Ankit Kumar who used to do theft. Name of the petitioners have been surfaced in this case on the basis of confessional statement of co-accused Gopal Ray, who has already been enlarged on bail vide order dated 13.12.2023 passed in Cr. Misc. No. 80078 of 2023 by this Court. Petitioners were not arrested on spot and nothing has been recovered from their conscious possession. Moreover, both the petitioners are languishing in judicial custody since 29.03.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioners, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Kishanganj P.S. Case No.



130 of 2023 on furnishing bail bond of Rs.10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate of Kishanganj in connection with Kishanganj P.S. Case No. 130 of 2023.

(Sunil Kumar Panwar, J)

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