

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87235 of 2024

Arising Out of PS. Case No.-92 Year-2024 Thana- PURNAHYA District- Sheohar

Vishal Aman @ Rahul Kumar Son of Nageshwar Prasad Yadav Resident of
Village- Ranjitpur, PS- Punaura, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 90255 of 2024

Arising Out of PS. Case No.-92 Year-2024 Thana- PURNAHYA District- Sheohar

Madhav Kumar Son of Jitendra Paswan Resident of Village -Gaushala
Chowk, Ward No. 19, PS- Sitamarhi, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 87235 of 2024)
For the Petitioner/s : Mr. Hans Lal Kumar, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP
(In CRIMINAL MISCELLANEOUS No. 90255 of 2024)
For the Petitioner/s : Mr. Quamar Raza, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 31-01-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seeks bail in connection with
Purnahiya P.S. Case No. 92 of 2024 instituted for the offences
under Section 309(6) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case, in short, is that, three unknown



miscreants snatched the bag of the informant containing Laptop, mobile phone, ID Card, Passport, some other documents and cash amounting to Rs. 1,00,000/- on the point of pistol and fled away.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. Petitioners are not named in the F.I.R. The name of the petitioner, namely Vishal Aman @ Rahul Kumar has transpired in this case during investigation on the basis of spy whereas the name of the petitioner, namely, Madhav Kumar has transpired in this case on the basis of confessional statement of the co-accused Sonu Kumar @ Vinay Singh. No incriminating article has been recovered from the conscious possession of the petitioners. Learned counsel further submitted that petitioners have no concern with the looted articles. There is no compliance of Section 103 of the BNSS. It has been submitted on behalf of the petitioners that the petitioners are in custody since 07.09.2024. Petitioner namely, Vishal Aman @ Rahul Kumar has no criminal antecedent whereas petitioner namely, Madhav Kumar has one criminal antecedent. The co-accused person has already been granted bail by this Court vide order dated 04.12.2024 passed in Cr. Misc. No. 82994 of 2024.



5. Learned A.P.P. 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, claim based on parity as also the period of custody undergone by the petitioners, 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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Purnahiya P.S. Case No. 92 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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