

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88181 of 2024

Arising Out of PS. Case No.-165 Year-2024 Thana- KOTWA District- East Champaran

1. Niraj Kumar Yadav Son of Kapal Yadav R/O- Yamunapur, PS- Kalyanpur, District-East Champaran at Motihari
2. Tunnu Kumar @ Tuntun Kumar @ Aniket son of Awadhesh Singh R/O- Yamunapur, PS- Kalyanpur, District-East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

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

ORAL ORDER

2 15-01-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Kotwa
P.S. Case No. 165 of 2024 instituted for the offences under
Section 392 of the Indian Penal Code.

3. As per prosecution case, while the Informant was
returning to his Kotwa Branch after collecting demand money
fo Rs. 1,43,685/-, two persons on motorcycle stopped the
Informant, attacked on him with knife, looted the cash and
mobile of the Informant and fled away from there.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence as



alleged against them and have falsely been implicated in the present case. The Informant has not named the petitioners and their names have transpired in course of investigation on the basis of the confessional statement of the co-accused Navi Alam recorded in connection with Kalyanpur P.S. Case No. 204 of 2024 and subsequently he has been remanded in the present case and one Kesariya P.S. Case No. 49 of 2024. The petitioners have no concern with the alleged motorcycle. He further submits that no looted article has been recovered from the conscious possession of the petitioners. The petitioners have also not been subjected to Test Identification Parade as yet. The petitioners have no concern with the alleged occurrence. The petitioners bear two criminal antecedents each and are languishing in judicial custody since 20.09.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners, let the petitioners, abovenamed, 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 Kotwa P.S. Case No. 165 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioners.

(ii) The petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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