

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39135 of 2016

Arising Out of PS.Case No. -133 Year- 2014 Thana -MUSRIGHARARI District- SAMASTIPUR

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Santosh Mahto @ Chotu

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma

For the Opposite Party/s : Mr. Sri Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 17-09-2016 Heard the learned counsel for the petitioner and the learned
A.P.P. also.

The petitioner, Santosh Mahto @ Chotu, is in custody since 20.02.2015, i.e., more than one and a half years in Musrigharari P.S. Case No.133 of 2014 under Section 394 of the IPC.

According to the prosecution case, three unknown persons looted the motorcycle of the informant on the point of pistol. The present petitioner and other two co-accused persons were arrested in Tajpur P.S. Case No.352 of 2014 wherein the co-accused Rajesh Yadav confessed before the police that he and the petitioner and other co-accused jointly looted the motor cycle of the informant of this case.

According to the learned counsel for the petitioner nothing has been recovered from the possession of this petitioner and even

the informant has not identified the petitioner either in Test Identification Parade or before the Court in the trial. So far co-accused Rajesh Yadav is concerned, the informant identified him, therefore, his bail application has been rejected.

The deposition of the informant has been annexed as Annexure '2' to this bail application. From perusal of the deposition, it appears that the informant specifically stated that he has identified Rajesh Yadav only.

So far Rajesh Yadav is concerned, his bail has been rejected by this Court on 30.11.2015 in Cr. Misc. No.53827 of 2015, i.e., nine months ago.

In view of the above facts and circumstances of the case, in my opinion, the case of this petitioner is on different footing than that of the accused Rajesh Yadav who had been identified by the informant, as such I direct that the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Samastipur in connection with GR No.2748 of 2014 arising out of Musrigharari P.S. Case No.133 of 2014.

Sanjeev/-

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(Mungeshwar Sahoo, J)