

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11610 of 2017

Arising Out of PS.Case No. -93 Year- 2016 Thana -MUFFASIL District- AURANGABAD

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1. Ujjawal Kumar Mishra Son of Sant Kumar Mishra Resident of Village - Kshatriya Nagar, P.S. - Aurangabad (T), District : Aurangabad. Resident of Village - Purania, P.S. - Bijaipur, Dist - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Sri Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 08-04-2017 Heard both sides.

The petitioner seeks bail in Aurangabad (M) P.S. case No. 93 of 2016 under Section 392 of the Indian Penal Code.

The informant lodged the case against unknown for highway robbery in which many articles, including cash of Rs. 65,300/-, were robbed.

The learned counsel for the petitioner submits that petitioner is innocent and, in fact, he has committed no offence. The petitioner is not named in the FIR. The name of petitioner figured in the case in the confessional statement of co-accused Santosh Kumar. The petitioner is said to have been identified by the informant but from perusal of the FIR it appears that three



criminals were masked, there was no source of identification and, in that view of the matter, the identification of the petitioner appears to be doubtful.

It appears from perusal of the case diary that firstly Santosh Kumar was apprehended and he is said to have disclosed the name of the petitioner and different looted articles were recovered from his possession but not from the petitioner. The petitioner was also put on T.I. parade along with Santosh Kumar, from whose possession looted articles were recovered and both were duly identified. The petitioner has got criminal antecedent and he is accused in as many as four cases.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on bail, at this stage. Accordingly, the same is rejected.

If the trial is not concluded within six months, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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