

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7998 of 2019

Arising Out of PS. Case No.-143 Year-2018 Thana- BARAULI District- Gopalganj

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Batak Manjhi, aged about 40 years, S/o Parma Majhi, Resident of Village-
Kahala, P.S.- Barauli, Dist Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-02-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since 29.10.2018
in a case registered for the offence punishable under Section 394
of the IPC.

The prosecution case, as per the fardbeyan of Sonu Kumar
Soni, dated 16.06.2018, recorded by Ram Pravesh Ray, S.I. in
Barauli P.S., is to the effect that on 15.06.2018 at about 05.45
P.M., while the informant was returning home on a motorcycle,
after closing his jewellery and utensils shop, on the way on N.H.
28, four unknown persons, on two motorcycles came,
surrounded the informant, and caused him firearm injuries.



Thereafter, the accused persons after breaking the dickey of the motorcycle of the informant, robbed gold jewellery worth Rs. 30,000/- and silver jewellery worth Rs. 25,000/- and escaped from the scene, leading to registration of the FIR against unknown persons. It is further alleged that the name of the petitioner sprang up during investigation on the confessional statement of co-accused namely, Noor Hassan @ Khurshid, Krishna Yadav @ Neta and Ajay Singh @ Guddu and on their disclosure, the robbed jewelleries were recovered from the house of the petitioner.

It is submitted by learned counsel for the petitioner that neither any recovery of the robbed article has been made from the conscious physical possession of the petitioner nor is the petitioner named in the FIR, but maliciously, he has been roped in the present case. It is further submitted that only on the basis of suspicion, the accusation has been levelled against the petitioner and the petitioner has not been put on T.I. parade.

It is submitted by learned APP for the State that the recovery has been made from the house of the petitioner.

Considering the fact that neither the impugned order nor the FIR suggest that the alleged recovery being made from the conscious physical possession of the petitioner and the



petitioner not being put on T.I. parade, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **A.C.J.M., Gopalganj**, in connection with **Barauli P.S. Case No.143 of 2018**.

(Dinesh Kumar Singh, J)

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