

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8681 of 2019

Arising Out of PS. Case No.-603 Year-2018 Thana- SITAMARHI District- Sitamarhi

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MOHAN BAITHA @ MOHAN KUMAR, Son of Madan Baitha Resident of
Village- Punaura P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-02-2019 Learned counsel for the petitioner is permitted to
make necessary correction in paragraph no.3 of the petition.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
06.10.2018 in a case registered for the offence punishable
under Sections 399, 402, 414 of the Indian Penal Code and
Sections 25(1-B)a, 26, 35 of the Arms Act.

The prosecution case got initiated on the basis of
written report dated 14.06.2018 submitted by Monika Kumari
to the Station House Officer, Punaura (O.P.) Police Station is
to the effect on 14.06.2018 at 11.30 A.M., when the informant
along with her husband was going to his C.S.P. Centre while
carrying Rs.2,25,00/- cash in a bag, but as soon as they



reached near Kharg Middle School gate, four unknown persons on two motorcycles reached there and snatched the bag containing the cash and escaped from the scene, leading to registration of FIR against unknown. The name of the petitioner sprang up during investigation on the confession of co-accused.

It is submitted by learned counsel for the petitioner that neither the petitioner is named in the FIR nor has any robbed article been recovered from his conscious physical possession. It is further submitted that the petitioner has not been put on T.I. Parade and the investigation has already been concluded. Though the petitioner is accused in three other cases apart from the present case, but in all those cases, he has been made accused after being impleaded in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the name of the petitioner sprang up during investigation on the confession of co-accused.

Considering the fact that the name of the petitioner sprang up on the confession of co-accused and no recovery being made from his conscious physical possession coupled



with the fact that the petitioner and the investigation being concluded, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi, in connection with Sitamarhi P.S. Case No. 603 of 2018.

(Dinesh Kumar Singh, J)

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