

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68004 of 2019

Arising Out of PS. Case No.-99 Year-2018 Thana- JANDAHA District- Vaishali

CHANNA RAI @ SRIJ MOHAN KUMAR @ SRI MOHAN KUMAR, aged
about 25 years, Male, S/o Santlal Rai, R/o village- Sherpur, P.S.- Jandaha,
District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sunil Kumar Singh, Advocate.
For the Opposite Party : Mr.Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-10-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 341, 323, 356, 357 and 379/34 of the
IPC.

The prosecution story, in brief, is that on 18.05.2018
at about 10.00 P.M. when the informant reached near Dhadhua
Bahai Chowk, accused persons who were covered their faces by
Gamachha pushed him, as a result of which, he fell down.
Thereafter, accused persons started assaulting him. They
snatched Rs. 21,000/- and Smart Phones and bag containing
parts of Computer and other things. During Mar-pit, *Gamachha*
of Chhana Rai (petitioner) and co-accused Kundan Rai fell



down and their faces disclosed. One accused was not identified.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 25.07.2019. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. As per the F.I.R., the accused persons had covered their faces with *Towel* at the time of occurrence but in course of occurrence, the said *Towel* on the face had fallen and the informant was able to identify the accused persons including the petitioner. It is further submitted that the alleged occurrence is said to have taken place at 10.00 P.M. in the night. The informant has not disclosed the source of identification in the F.I.R. Hence, identification made by the informant appears to be doubtful and the same cannot be relied upon. There is no recovery of any incriminating article from possession of the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, Vaishali at Hajipur, in connection with Jandaha P.S. Case No. 99/2018.

(Sudhir Singh, J)

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