

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.79312 of 2018

Arising Out of PS. Case No.-11 Year-2018 Thana- BEERPUR District- Begusarai

Mukesh Sahni, son of Chandradeo Mahto, resident of Village-Sarkat, P.S.-
Bishunpur, District – Begusarai. Petitioner.

Versus

The State of Bihar. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

2 18-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in Birpur P.S. Case No. 11 of
2018 registered under Section 307, 397 & 427 of the Indian
Penal Code and Section 27 of the Arms Act.

Six accused persons are said to have made attempt to
commit dacoity in the UCO Bank, Muzaffarpur Birpur Branch,
Begusarai by damaging the CCTV camera and breaking open
the strong room but in vain. They also said to have assaulted the
Branch Manager of the Bank by means of firearm in course of
occurrence.

It is submitted by learned counsel for the petitioner that
no such occurrence as alleged ever took place. The petitioner
has committed no offence and has no concern with the aforesaid
occurrence. He was not apprehended on the spot. No
incriminating article has been recovered from the conscious
physical possession of the petitioner. He has been falsely



implicated in this case. There is nothing on record indicating the complicity of the petitioner barring the confessional statement of co-accused Pritam Jaiswal which has no evidentiary value in the eye of law. Though the petitioner was apprehended with loaded pistol during the course of investigation of the case but regarding the aforesaid recovery another case, namely, Birpur P.S. Case No.13 of 2018 has been lodged against the petitioner. Though the petitioner is having six criminal antecedents but he is on bail in all the cases. He has been languishing in custody since 08.08.2018. Co-accused, namely, Manish Sahni @ Deva has been enlarged on bail by a co-ordinate bench of this court vide order dated 28.11.2018 passed in Cr. Misc. No. 64866 of 2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Begusarai in connection with Birpur P.S. Case No.11 of 2018.

(Prakash Chandra Jaiswal, J.)

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