

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18256 of 2020

Arising Out of PS. Case No.-201 Year-2019 Thana- KURTHA District- Jehanabad

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DHANESH KUMAR Son of Vishnu Yadav @ Vishun Yadav Resident of
Village- Devnandan Bigha @ Deonandan Bigha, P.S.- Shakurabad in the
District of Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar
For the Opposite Party/s : Mrs. Anita Kumari Singh, APP
Mr.Rita Verma

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-06-2020 The present petition has been taken up for

consideration through the mode of Video conferencing in view

of the prevailing lock-down on account of COVID 19

Pandemic, requiring social distancing.

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

The petitioner seeks regular bail in connection
with Kurtha P.S. Case No. 201 of 2019 for the offence
punishable under Sections 395 of the Indian Penal Code.

The informant of the present case, who is the
truck driver, has alleged that while he was proceeding in the
truck to Patna- Danapur after loading stone chips on his truck
from Bosma, Gaya on 20.11.2019 and had reached near



Gaiman India Bridge at about 10 P.M., he was over taken by one tractor, whereafter 5-6 unknown criminals started assaulting the informant and pulled him out of the truck, whereafter the said unknown criminals fled away with the truck.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case merely on the basis of the confessional statement of the co-accused person namely Gajendra Kumar. It is further submitted that the petitioner is languishing in custody since 8.1.2020 and barring one other criminal case in which he is an accused, he is having a clean antecedent. Lastly it is submitted that neither any recovery has been effected from the petitioner nor any TI Parade has been held so as to connect the petitioner with the alleged crime.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for bail.

Considering the facts and circumstances of the case, the submissions advanced by the learned counsel for the petitioner and taking into account the fact that neither any recovery has been effected from the petitioner nor any TI



Parade has been held so as to conclusively prove the guilt of the petitioner, apart from the fact that the petitioner is languishing in custody since about five months and has been falsely implicated in the present case merely upon confessional statement made by the co-accused, which has got no evidentiary value in the eye of law, I deem it fit and proper to direct for release of the petitioner on regular bail.

According, the petitioner, above named, is directed to be released on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Arwal in connection with Kurtha P.S. Case No. 201 of 2019.

(Mohit Kumar Shah, J)

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