

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21891 of 2020**

Arising Out of PS. Case No.-415 Year-2019 Thana- GAIGHAT District- Muzaffarpur

VISHWANATH RAY Son of Ram Babu Ray Resident of Village - English
Chak, P.S.- Aurai, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Ashok Kumar

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 04-09-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and
Sri Ashok Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with Gaighat PS case no. 415 of 2019 instituted for the offences punishable under Sections 395, 397, 412 of Indian Penal Code.

The case of the prosecution in brief is that on 17.11.2019 at about 7 pm in the evening, the informant had left his house on a Bolero Pick-up van loaded with ghee and when he had reached in front of the Maharaja Line Hotel situated at NH-57 at about 7.50 pm, some miscreants riding on two Pulsar motorcycles and on one Apachee motorcycle, had arrived there,



whereafter they had stopped the pick-up vehicle and on pistol point, had snatched mobile and purse of the informant, whereafter the miscreants had taken away the pick-up vehicle in question. Subsequently, the co-accused persons namely Atma Ram Thakur and Chunchun Kr. Yadav along with this petitioner were arrested on 18.11.2019 along with the stolen Bolero Pick-up vehicle and cartoons of Paras ghee. It is further alleged that the said co-accused persons namely Atma Ram Thakur and Chunchun Kr. Yadav, in their confessional statement have admitted to have committed the alleged occurrence in question and had also disclosed the names of the co-accused persons including the petitioner herein as their accomplice.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and though he is an accused in one other case but he is on bail in the said case, as also is languishing in custody since 20.11.2019. It is further submitted that the co-accused person namely Atma Ram Thakur, on the basis of whose confession, the petitioner has been falsely roped in the present case, has already been granted bail by a co-ordinate Bench of this Court vide order dated 03.06.2020 passed in Cr. Misc. no. 16635 of 2020. It is further submitted that another



co-accused person namely Sobhit Rai has also been granted bail by a co-ordinate Bench of this Court vide order dated 10.07.2020, passed in Cr. Misc. no. 21906 of 2020.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the parity of the case of the petitioner with that of the co-accused persons who have been granted bail by co-ordinate Benches of this Court as also considering the fact that no recovery of the incriminating stolen articles has been made from the petitioner herein and he is in custody since 20.11.2019, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Muzaffarpur in connection with Gaighat PS case no. 415 of 2019.

(Mohit Kumar Shah, J)

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