

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25575 of 2020

Arising Out of PS. Case No.-217 Year-2018 Thana- KUMAR KHAND District- Madhepura

MANTOSH KUMAR @ MISTER PANDIT S/o Kusheshwar Pandit Resident
of Village-Azad Nagar, Ward No.12, P.S.-Madhepura, District-Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh
For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-10-2020 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, requiring social distancing.

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 Kumarkhand P.S. Case No. 217 of 2018, registered for the offence punishable under Section 392 of the Indian Penal Code.

The case of the prosecution in brief is that on 1.11.2018, while the informant was returning to his



house, three miscreants riding on a motorcycle had arrived and dashed the vehicle of the informant from the back side resulting in the informant falling down, whereafter the said miscreants had snatched the vehicle of the informant, his mobile, aadhar card, driving licence and cash amount of Rs. 2500/- and had then fled away. It appears that the stolen mobile has been recovered from the house of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. It is further submitted that though the petitioner is an accused in one other case, but he is on bail in the said case. It is also submitted that no Test Identification Parade has been held so as to connect the petitioner with the alleged crime. Lastly, it is submitted that similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 5.2.2019 passed in Criminal Miscellaneous No. 1359 of 2019.



Per contra, the learned APP 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 petitioner and taking into account the fact that no Test Identification Parade has been conducted so as to connect the petitioner with the alleged crime and moreover, similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Madhepura in connection with Kumarkhand P.S. Case No. 217 of 2018.

(Mohit Kumar Shah, J)

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