

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28833 of 2020

Arising Out of PS. Case No.-59 Year-2020 Thana- MITHANPURA District- Muzaffarpur

PRAKASH KUMAR S/o Laxmi Mahto Resident of Mohalla- Brahampura
Nunfar Jagran Chowk, P.S.- Brahampura, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Ashok Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-11-2020 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 appearing for the petitioner and Shri Ashok Kumar, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Mithanpura P.S. Case No. 59 of 2020 for the offence punishable under Section 392 of the Indian Penal Code.

The allegation is that while the informant, who is Manager of a petrol pump, was going to the bank on his motorcycle for depositing the sale proceeds of petrol and diesel, amounting to a sum of Rs. five lacs, which he had kept in a cloth bag and was being accompanied by one of his staff namely



Ranjeet Kumar and had reached at Rajput Tola, near the house of Pankaj Singh, three unknown miscreants had arrived on a motorcycle, surrounded the informant and his staff and on pistol point they had snatched the cloth bag, containing the aforesaid sum of Rs. five lacs whereupon they had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 06.03.2020. It is further submitted that the name of the petitioner has been dragged in the present case merely on suspicion upon confessional statement having been made by the co-accused person namely Sawan Kumar, as such the petitioner is not having any complicity in the matter. Lastly, it is submitted that neither any recovery of looted money has been made from the petitioner nor any Test Identification Parade has been held so as to connect the petitioner with the alleged crime.

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 petitioner and taking into account the period of incarceration of the petitioner herein as also the fact that no Test Identification



Parade has been held till date so as to connect the petitioner with the alleged crime, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, East Muzaffarpur in connection with Mithanpura P.S. Case No. 59 of 2020.

(Mohit Kumar Shah, J)

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