

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30278 of 2020

Arising Out of PS. Case No.-100 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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ALOK KUMAR PATHAK Son of Late Devendra Pathak Resident of Village-
Sahsa, P.S.- Narkothi, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-11-2020 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 for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 542 of 2019 arising out of Sadar P.S. Case No. 100 of 2019, registered for the offence punishable under Sections 395 and 397 of the Indian Penal Code, 1860.

The allegation is regarding six unknown



miscreants having committed dacoity in the Muthoot Finance Company Ltd. Branch situated at Bhagwanpur Chowk and are said to have taken away gold and cash amount of Rs. 2,00,000/- from the strong room.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 11.02.2019. It is further submitted that neither any recovery has been made from the petitioner nor any 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 16.10.2019 passed in Criminal Miscellaneous No. 34406 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 parity of the case of the petitioner with that of the co-accused person, who has already been granted bail, apart from the fact that no Test Identification Parade has taken place 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 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 14th Additional Sessions Judge, Muzaffarpur in connection with Sessions Trial No. 542 of 2019 arising out of Sadar P.S. Case No. 100 of 2019.

(Mohit Kumar Shah, J)

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