

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74451 of 2019

Arising Out of PS. Case No.-749 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

Subodh Kumar Mahto @ Subodh Kumar Son of Jagarnath Mahto @ Jaganath Mahto, Resident of Village- Majhauriya, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-01-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Ahiyapur P.S. Case No. 749 of 2019 registered for the offences punishable under Section 394 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner is not named in the F.I.R. and nothing incriminating or looted article has been recovered from the possession of the petitioner. The petitioner is in custody since 30.06.2019.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.



Considering the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that though petitioner is in custody since 30.06.2019 in connection with this case but till date he has not been identified as no Test Identification Parade has been conducted and no incriminating or looted article has been recovered from the possession of the petitioner and further that the co-accused Jitendra Kumar @ Jikki who had been arrested with this petitioner has been granted regular by a learned Co-ordinate Bench of this Court in Criminal Misc. No. 68582 of 2019, let the petitioner above named be released on bail in connection with Ahiyapur P.S. Case No. 749 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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