

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21555 of 2021

Arising Out of PS. Case No.-477 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

Mohit Diwakar Son of Om Prakash Gupta Resident of Village - Dalelganj,
Ward No. 24, P.S.- Sasaram (T), District - Rohtas (Sasaram)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. H.A. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-09-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Section 394 of the Indian Penal Code.

Allegation against the petitioner is that he assaulted on the forehead of the informant by butt of pistol resultantly he became injured and snatched away his motorcycle, a Samsung mobile, PAN Card, Adhar Card, Driving License and Paper of the said motorcycle.

Learned counsel for the petitioner submits that the



petitioner is innocent, not named in the FIR and has been falsely implicated in this case. He submits that petitioner has been made accused in this case on the confessional statement of co-accused. He submits that no incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner submits that perhaps the charge has been framed against the petitioner. He further submits that petitioner has two criminal antecedent and he is languishing in judicial custody since 20.11.2020.

However, learned APP for the State opposes the prayer for bail and submits that in para 114 of the case diary there is confessional statement of the petitioner who has admitted that he sold the motorcycle to Satyendra Ram in Rs. 18,000/-. The police has recovered the said motorcycle from the house of Satyendra Ram.

Considering the facts and circumstances of the case as also the submission of the learned counsel, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhabua P.S. Case No. 447 of 2020.



The learned court below is directed to release the petitioner after satisfying itself that the charge has been framed against the petitioner, as submitted by the learned counsel for the petitioner. If the charge is not framed then the petitioner would not be released on bail.

With the aforesaid observations and directions, this application is disposed of.

(Anjani Kumar Sharan, J)

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