

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26025 of 2021

Arising Out of PS. Case No.-393 Year-2020 Thana- GAIGHAT District- Muzaffarpur

MANOJ KUMAR Son of Ram Babu Sah Resident of Village - Chhapra
Kanti, P.S.-Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Bal Mukund Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-09-2021 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 four 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 Sections 392 of the Indian Penal Code but later on Section 411 IPC was added.

While the informant was going to Supaul from Kanpur by loading bags of potato and onion on his truck, on the way four persons on a Scorpio vehicle is said to have overtook his vehicle and dragged him and his brother from the truck on



the point of pistol and got them seated in Scorpio vehicle. They also tied cloths on the mouth and eye of the informant and his brother returned back by Scorpio vehicle for Muzaffarpur and stayed in a double storied building in the night and in the next morning miscreants took away him and his brother and got them down on N.H. 28 and fled away. His truck was found standing and consignments loaded on the truck were found missing.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. He is neither named in the F.I.R. nor was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused Govind Kumar which has no evidentiary value in the eye of law. The aforesaid co-accused has been enlarged on bail by a co-ordinate bench of this court vide order dated 16.07.2021 passed in Cr. Misc. No. 21879 of 2021. The petitioner has no criminal antecedent and has been languishing in custody since 12.01.2021.



Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Gaighat P.S. Case No.393 of 2020.

(Anjani Kumar Sharan, J)

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