

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15955 of 2020

Arising Out of PS. Case No.-41 Year-2019 Thana- KATORIYA District- Banka

Rohit Kumar, Son of Shyam Manjhi, Resident of Village - Pilua, Police Station - Bounsi, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Balram Kapri, Advocate.

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

5 15-11-2021 The applicant/accused in Crime No. 41 of 2019 registered with Katoriya Police Station for the offence punishable under Section 392 of the Indian Penal Code at the instance of the first informant Pawan Kumar Yadav by this application is seeking regular bail. It is not in dispute that on completion of the investigation, the charge sheet has already been filed.

Heard the learned counsel appearing for the applicant/accused. He argued that except antecedent of the applicant, there is no evidence against the applicant to implicate him in the crime in question.

Upon query to the learned Prosecutor, the learned Prosecutor fairly submits that the applicant has criminal background. However, nothing incriminating in this offence



could be pointed out to this Court by the learned Prosecutor.

The crime in question has been registered by Pawan Kumar Yadav. It is alleged in the report that when he was returning after withdrawing cash amounting to Rs.1,93,800/- as well as Rs.28,000/-, three criminals accosted him in the area of Sijua Hills. They looted the cash withdraw by him apart from his cell phone, purse as well as ATM card and his own cash. The FIR gives the details of the criminals, who had committed the crime in question.

It is not pointed out to this Court that the Test Identification Parade was conducted during the course of investigation and that the applicant/accused has been identified by the first informant or a person accompanying him. It is not pointed out that the looted articles or cash were recovered from the applicant. The investigation of the crime in question has already been over and therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 41 of 2019 registered with Katoriya Police Station for the offence punishable under Section 392 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the



satisfaction of the trial court with the following conditions:-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial in expeditious disposal of the trial against him.

Bhardwaj/-

(A. M. Badar, J)

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