

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28215 of 2021

Arising Out of PS. Case No.-89 Year-2020 Thana- GOPALPUR District- Patna

SANTOSHI MANJHI Son of Raj Kumar Manjhi Resident of Bhootnath Road, T.V. Tower, Nahar Par Jhoparpatti, P.S.- Agamkuan, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan, Advocate

For the Opposite Party/s : Mr. Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-12-2021 Heard Mr. Majid Mahboob Khan, learned counsel
for the petitioner and Mr. Bharat Lal, learned Additional Public
Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Gopalpur P.S. Case No. 89 of 2020 registered for the offence
punishable under Section 394 of the Indian Penal Code 1860.

The prosecution story as per the First Information
Report is that three unknown persons entered into the
construction site of the informant and on the gun point took
away iron rods (*Sariya*) from the godown.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case on the basis of
confessional statement made by co-accused Birendra Kumar in
another case. Learned counsel further submits that no



incriminating material and/or robbed property has been recovered from possession of the petitioner and the petitioner is in custody since 8.7.2020, but till now he has not been put on Test Identification Parade. Learned counsel next submits that the co-accused Birendra Kumar, on the basis of whose confessional statement the petitioner has been dragged in this case, has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 6625 of 2021. He also submits that another co-accused Satyendra Giri who was also made accused on the basis of confessional statement of Birendra Kumar, has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 20596 of 2021.

Regards being had to the submissions made by the parties and taking into consideration the materials on record, the fact that the petitioner is in custody since 8.7.2020, no Test Identification Parade has been conducted by the Police and further no incriminating material and/or stolen property has been recovered from possession of the petitioner and similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be



released on regular bail on furnishing bail bonds of Rs.25,000/-
(Twenty five thousand) with two sureties of the like amount
each to the satisfaction of Shri Ravi Kumar, learned Sub Judge-
cum-A.C.J.M.-9, Patna, in connection with Gopalpur P.S. Case
No. 89 of 2020.

It is made clear that at the time of furnishing bail
bonds all the parties shall follow the guidelines regarding social
distancing.

(Anil Kumar Sinha, J)

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