

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26397 of 2020

Arising Out of PS. Case No.-214 Year-2019 Thana- NAUBATPUR District- Patna

OM PRAKASH SHARMA S/o Shyam Chandra Sharma Resident of Village-
Sahtha, P.S.-Bhagwanpur, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satrudhan Kumar, Advocate.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 15-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 392 of the Indian Penal Code.

While the informant was coming by tractor having
sand, then in the midway some persons riding on four wheeler
are said to have intercepted him and forcibly took tractor with
them after throwing him inside the road tying his limbs. They
also took away the mobile phone and Rs.1000/-.

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 one Awadhesh Kumar @ Awadhesh Sahani which has no evidentiary value in the eye of law. The petitioner has been languishing in custody since 05.09.2019.

After going the through the case diary as well as the case record, I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected.

(Anjani Kumar Sharan, J)

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