

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30221 of 2020

Arising Out of PS. Case No.-951 Year-2019 Thana- FORBESGANJ District- Araria

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MITHILESH MISHRA @ MITHU, Son of Rudranand Mishra @ Fuchi Jha,
Resident of Village - Dimhiya, P.S.- Tarabari, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Binod Kumar-2

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-01-2021 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 Sections 392, 397, 398 of the Indian Penal Code.

The prosecution case in brief is that on 01.10.2019 at about 05.30 am the informant was coming from Pothia after completing the canal repair work. When the informant reached three meters towards his destination, his motorcycle was surrounded by four unknown persons, who have come with Apache motorcycle. One person has come to near the informant and threatened him after showing the pistol and looted his mobile and Rs. 600/- after assault him by the pistol.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and its lodged against



unknown. There is no recovery of looted ornaments from the possession of the petitioner. The petitioner is dragged in this case upon confessional statement of co-accused. He further submits that the petitioner is in custody since 16.06.2020. The petitioner is a student of B.Tech and has got no criminal antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner.

Perused the record including the case diary, the petitioner's name came in the light during the investigation and the victim has identified the photograph of the petitioner who has assaulted on him after loot, which is recorded in para 262 of the case diary as well as application submitted by the victim at the police station.

In the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of the charge** on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each in connection with Forbesganj (Simraha) P.S. Case No. 951/2019 to the satisfaction of the learned C.J.M., Araria.

(Anjani Kumar Sharan, J)

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