

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2297 of 2021

Arising Out of PS. Case No.-397 Year-2019 Thana- BAKHARI District- Begusarai

OM PRAKASH MAHTO S/o Bhola Mahto R/o Village- Darha Than Singh,
P.S.- Bakhri, District- Begusarai. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar
For the Opposite Party/s : Mr. Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-03-2021 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 Section 394 of the Indian Penal Code.

While the informant was at his shop, three unknown miscreants entered into his shop and took away Rs.8-10 thousand from the cash box and they assaulted the staff with the butt of the pistol. They also snatched cash from the customers and escaped away.

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. No T.I. parade has been conducted. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused, Bipin Paswan, which has no evidentiary value in the eye of law. The aforesaid co-accused, namely, Bipin Paswan has been enlarged on bail by a co-ordinate bench of this court vide order dated 29.06.2020 passed in Cr. Misc. No. 21026 of 2020. The petitioner has been languishing in custody since 04.01.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, **after framing of charge**, 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 in connection with Bakhri P.S. Case No.397 of 2019.

(Anjani Kumar Sharan, J)

Trivedi/-

U		T	
---	--	---	--

