

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3338 of 2022

Arising Out of PS. Case No.-263 Year-2019 Thana- LAHERIYASARAI District- Darbhanga

MOTI KUMAR Son of Late Asharfi Sah Resident of Village- Baghi, P.S.-
Maniyari, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleges that four unknown accused entered into the house of the informant and assaulted his wife by butt of the gun and looted her gold chain, gold bangle and ornaments worth Rs. 6-7 lakh along with mobile.

Learned counsel for the petitioner submits that petitioner is in custody since 24.08.2021, charge-sheet has been submitted and has antecedent of 02 cases.

Learned counsel for the petitioner submits that the FIR was against unknown and the name of the petitioner transpired in the statement of the wife of the informant recorded at para 51 of the case



diary, wherein, she had stated that the accused were calling one of the accused by his name Moti (Petitioner). He further submits that since the occurrence had taken place inside the house and petitioner is in custody and when informant herself has stated that one of the accused was being addressed as Moti by his associates then nothing prevented the police to put him on TIP. He further submits that the petitioner was not put on TIP nor any incriminating article was recovered from his possession to connect him with the offence.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case and does not put on TIP nor any recovery was made from his possession, let the petitioner above named be released on bail 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/successor court in connection with Laheriyasarai P.S. Case No. 263 of 2019 subject to the condition that one of the bailer shall his wife, namely, Gauri Devi.

(Satyavrat Verma, J)

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