

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39101 of 2021**

Arising Out of PS. Case No.-506 Year-2020 Thana- NAANPUR District- Sitamarhi

RIKKI KUMAR S/O Suresh Gosai R/O Village - Bakhari Gote, P.S. -
Bajpatti, District - sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha, Advocate

For the Opposite Party/s : Ms.Meena Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 27-01-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

At the outset, the learned counsel for the petitioner
has submitted that on account of typographical error, the case
number has been wrongly mentioned as Nanpur P.S. Case No.
506 of 2021 instead of Nanpur P.S. Case No. 506 of 2020.

It is directed that the FIR number be deemed to be
read as Nanpur P.S. Case No. 506 of 2020, wherever the same
is appearing in the present petition.

The petitioner seeks regular bail in connection with
Nanpur P.S. Case No. 506 of 2020 for the offence registered
under Section 392 of the Indian Penal Code.

The allegation is regarding three unknown miscreants
having intercepted the informant whereafter they had snatched



his mobile phone, cash amount of Rs. 5,000/- and his motorcycle and then they had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 26.03.2021. The learned counsel for the petitioner has submitted that the petitioner was arrested in one another case bearing Bajpatti P.S. Case No. 42 of 2021, in which the petitioner has already been granted bail and then he was remanded in the present case on the basis of the confessional statement made by the co-accused person. It is further submitted that neither any Test Identification Parade has been held till date so as to connect the petitioner with the alleged crime nor the stolen motorcycle has been recovered from the possession of the petitioner. However, it is submitted that as far as recovery of stolen mobile phone is concerned, the petitioner has explained the same in paragraph no. 11 of the present petition wherein it has been stated that the co-accused Bipin Kumar had taken a loan of Rs. 3,000/- from the petitioner and by way of security he had handed over the said mobile phone and the petitioner was not knowing that the said mobile is a stolen one.

Per contra, the learned counsel for the State has



vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that no Test Identification Parade has been held till date so as to connect the petitioner with the alleged crime and moreover the stolen motorcycle has not been recovered from the petitioner, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupri at Sitamarhi in connection with Nanpur P.S. Case No. 506 of 2020.

(Mohit Kumar Shah, J)

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