

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39053 of 2021**

Arising Out of PS. Case No.-344 Year-2019 Thana- KESARIA District- East Champaran

BHOGRAJ RAY @ BHOGRAJ Son of Sudama Ray Resident of Village-
Siswa Kharar, P.S.- Kalyanpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

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

2 27-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and
Dr. Ajeet Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with Kesariya PS case no. 344 of 2019 instituted for the offences punishable under Section 394 of Indian Penal Code.

The allegation is regarding the informant having been intercepted by unknown miscreants while he was returning after collecting a sum of Rs. 1,35,000/-, whereafter the said unknown miscreants had snatched the bag containing money and mobile phone of the informant as also the motorcycle in



question.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 22.02.2021. The learned counsel for the petitioner has further submitted that neither any test identification parade has been held so as to connect the petitioner with the alleged crime nor any looted articles/ cash amount has been recovered from the conscious possession of the petitioner. Lastly, it is submitted that the name of the petitioner has transpired upon disclosure made in the confessional statement of the co-accused person.

Per contra, the learned A.P.P. 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 parties 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, no looted articles have been recovered from the conscious possession of the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail.



Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.C.J.M. 3rd, Motihari, East Champaran in connection with Kesariya PS case no. 344 of 2019.

(Mohit Kumar Shah, J)

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