

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41654 of 2021

Arising Out of PS. Case No.-441 Year-2020 Thana- NAANPUR District- Sitamarhi

MANISH KUMAR BAITHA Son of Chedi Baitha Resident of Village -
Raipur, P.S.- Nanpur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-01-2022 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 the learned APP for the State, Sri Sanjay Kumar Tiwary.

The petitioner seeks regular bail in connection with Nanpur P.S. Case No. 441/2020, registered for the offence punishable under Section 392 of the Indian Penal Code.

The allegation is regarding unknown



miscreants having intercepted the motorcycle of the informant, whereafter they had snatched his motorcycle as also his mobile phone and had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that only after the petitioner was arrested in the present case, he has been remanded in three other criminal cases. It is also submitted that the impugned order itself would show that during the Test Identification Parade conducted by the police, the petitioner was not recognized by the informant, hence, it is apparent that the petitioner is not having any complicity in the matter. It is further submitted that name of the petitioner has transpired in the present case, upon the confessional statement of the co-accused person. The petitioner is stated to be languishing in custody since 5.12.2020.



Per contra, the learned APP 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 the petitioner has not been identified during the course of the Test Identification Parade held by the police as also considering the fact that he is languishing in custody since 5.12.2020, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Pupari Sitamarhi in connection with Nanpur P.S. Case No. 441/2020.

(Mohit Kumar Shah, J)

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