

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46405 of 2021

Arising Out of PS. Case No.-247 Year-2020 Thana- TEGHRHA District- Begusarai

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DULAR MAHTO @ DULAR KUMAR Son of Nawalki Mahto @ Nand Mahto Resident of Village - Simariya Ghat, Bind Tola, Ward No.14, P.S.- Chakiya, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2022 Heard the learned counsel for the petitioner and the learned APP for the State, Ms. Anita Kumari Singh.

The petitioner seeks regular bail in connection with Teghra P.S. Case No. 247/2020, registered for the offence punishable under Section 395 of the Indian Penal Code.

The allegation, in brief, is that unknown miscreants are stated to have entered the shop of the informant, variously armed and had engaged in firing in the shop, whereafter they had looted jewellery from the said shop and had fled away on their motorcycles.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 19.9.2020. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in three other criminal cases, but he is on bail in all the said three criminal cases. It is further submitted that no Test Identification Parade has been held till date so as to connect the petitioner with the alleged crime. It is also submitted that no looted articles/ jewellery have been recovered from the possession of the petitioner. The name of the petitioner is stated to have transpired in the present case upon confessional statement made by the co-accused person, namely, Ramgati @ Lahra. Lastly, it is submitted that similarly situated co-accused persons have already been granted by a coordinate Bench of this Court vide orders dated 21.9.2021 and 2.2.2022 passed in Criminal Miscellaneous No. 13620 of 2021 and Criminal



Miscellaneous No. 40134 of 2021.

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 parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by a coordinate Bench of this Court, apart from the fact that no Test Identification Parade has been held till date so as to connect the petitioner with the alleged crime, 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 District and Sessions Judge-XII, Begusarai in connection with Teghra P.S. Case



No. 247/20.

(Mohit Kumar Shah, J)

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