

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37583 of 2022

Arising Out of PS. Case No.-429 Year-2020 Thana- MAJHAULIA District- West Champaran

ANAND PATHAK @ SHRESTHA NARAYAN PATHAK Son of Bhola Pathak @ Bholanath Pathak Resident of village- Harpur, P.s.- Majhauria, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 12-10-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned A.P.P for the State.

The petitioner has preferred this application for grant of regular bail in a case registered u/s 394 of the Indian Penal Code.

As per the prosecution case, some unknown miscreants looted the motorcycle of the informant's brother bearing Registration No. BR-22-AJ-2205.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession



of the petitioner. The petitioner is not named in the FIR and the name of the petitioner has sprung up in the confessional statements of co-accused Saif Ali Khan and others. It is further submitted that there is nothing against the petitioner except the confessional statement of co-accused persons which is not admissible in law and criminal antecedents. No T.I.P. has been conducted by the prosecution. The petitioner is also accused in seven other criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 17.05.2021.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bettiah, District- West Champaran in connection with Majhauria P.S. Case No. 429 of 2020, with a condition:-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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