

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47363 of 2021

Arising Out of PS. Case No.-38 Year-2021 Thana- DESARI District- Vaishali

SHANKAR KUMAR Son of Lal Bahadur Ray Resident of Village-
Baharampur, P.S.- Raghapur (Rustampur O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-03-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Desari PS case no. 38 of 2021 instituted for the offences
punishable under Section 395 of Indian Penal Code.

The allegation is regarding some miscreants
having entered inside the house of the informant and having
committed loot of various articles including cash amount to the
tune of Rs. 6 lacs and gold jewellerys, whereafter they are stated
to have fled away. The informant is stated to have identified
three miscreants namely Gudu Ram, Sudhir Rai and Ajeet Rai.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely
implicated in the present case, is having a clean antecedent and



is languishing in custody since 11.05.2021. The learned counsel for the petitioner has further submitted that the name of the petitioner has surfaced in the present case on the basis of confessional statement of the co-accused person namely Kundan Kumar, however no test identification parade has been held till date so as to connect the petitioner with the alleged crime. Lastly, it is submitted that no looted articles or cash amount has been recovered from the possession of the petitioner.

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, apart from the fact that the petitioner is having a clean antecedent and no recovery of any looted articles/ cash amount has been made from the 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. 13, Vaishali at Hajipur in connection with Desari PS case no. 38 of 2021.

(Mohit Kumar Shah, J)

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