

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43469 of 2022

Arising Out of PS. Case No.-165 Year-2021 Thana- TILAUTHU District- Rohtas

Chhote Kumar @ Chhotu Paswan S/O Dharmendar Paswan R/O Village-
Jamalpur, P.S.- Nasriganj, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shankar Kumar, Advocate
	:	Mr. Sada Nand Ray, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-11-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Tilauthu P.S. Case No. 165 of 2021 registered for the offence punishable under Section 392 of the Indian Penal Code.

As per the prosecution, the informant's motorcycle was looted by some unknown miscreants.

The main submissions advanced by the learned counsel Mr. Shankar Kumar appearing for the petitioner are that the alleged looted motorcycle was recovered from the



possession of the co-accused Amit Kumar @ Chandan Kumar and Ravi Kumar as per the prosecution and during the course of investigation the petitioner was made accused mainly on the basis of statement of co-accused Birju Gosai but looted motorcycle was not recovered from the possession of this petitioner and after his arrest he was not put on Test Identification Parade and against him there is a criminal antecedent of one case in which he has been granted bail by the Court below. Further submission is that one co-accused Amit Kumar from whose possession the motorcycle was recovered has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc No.19292 of 2022.

Learned APP Mr. Binod Kumar No.3 appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and order Impugned. The Instant matter relates to loot committed by four unknown persons in respect of a motorcycle of the informant. The order impugned goes to show that the petitioner was made accused mainly on the basis of confessional statement of co-accused Birju Gosai and the said order also shows that the looted motorcycle was recovered from the possession of co-accused persons and not from the possession of this petitioner



and the petitioner has taken the plea that after his arrest he was not put on Test Identification Parade by the Police. Considering these facts as well as petitioner's custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Tilauthu P.S. Case No. 165 of 2021.

(Shailendra Singh, J.)

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