

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43975 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- WARISNAGAR District- Samastipur

Chandan Kumar S/o Raj Kumar Chaudhary R/o village- Sari, P.S.-
Warisnagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Kishor Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 29-11-2022 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
Warisnagar P.S. Case No. 88 of 2022 registered for the offences
punishable under Sections 341, 323, 379, 365, 367, 368 and
120(B)/34 of the Indian Penal Code.

As per the prosecution, the informant's truck, a cash
of Rs. 30,000/- and a mobile phone were looted by four
unknown persons.

The main submissions advanced by learned counsel
Mr. Ajay Kumar appearing for the petitioner are that the



petitioner has been languishing in jail for last the seven months, after his arrest in the present matter he was not put on Test Identification Parade and the looted truck was recovered near the house of co-accused but not from the possession of this petitioner and accordingly there is no any legal evidence to connect him to the alleged occurrence of Dacoity and against him there is criminal antecedent of two cases in which he is on bail and both the cases relate to different offences not similar to the offences of the present case.

Learned APP Mr. Raj Kishor Singh appearing for the State has opposed the bail prayer but accepted that against the petitioner there is no any material except the confessional statement of the co-accused given before the police.

Having regard to the facts and circumstances of this case and considering the above submissions and also the facts that as per the above submissions the looted truck was recovered from the possession of co-accused and the police failed to recover any incriminating material from the possession of this petitioner connecting him to the alleged occurrence and even he was not put on Test Identification Parade after he was taken into custody in the present matter and the said defence has not been refuted by the learned APP and the order of the lower Court



below goes to show that investigation has been completed against the petitioner, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged 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 Court concerned in connection with Warisnagar P.S. Case No. 88 of 2022.

(Shailendra Singh, J)

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