

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45184 of 2022**

Arising Out of PS. Case No.-104 Year-2022 Thana- FALKA District- Katihar

Dilkhus Kumar Son Of Avadhesh Yadav R/O Village- Jarlahi (MADHELI),
Ward No. 12, P.S.- Kursela, District- Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 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 Falka P.S. Case No. 104 of 2022 registered for the offence punishable under Section 395 of the Indian Penal Code.

As per the prosecution, the informant's motorcycle, a cash of Rs.800/-, a mobile phone and some cards were looted by six unknown miscreants at the alleged place.

The main submissions advanced by the learned



counsel Mr. Bhola Prasad appearing for the petitioner are that the petitioner has fair and clean antecedent, after his arrest in present case the police failed to recover any of the looted articles from his possession and he was not put on Test Identification Parade and except the statements of the petitioner and co-accused persons given before the police there is no any other material against him to connect him to the alleged occurrence of loot and he has been languishing in jail since 09.03.2022.

Learned APP Mr. Arun Kumar appearing for the State has opposed the bail prayer.

Having considered the above defences taken by the petitioner that there was no recovery of looted articles from the possession of this petitioner and he was not put on Test Identification Parade after his arrest in the present case and the said defence has not been refuted by the learned APP during the course of argument and also taking into account the petitioner's custody period and the stage of his case and his clean antecedent mentioned in his petition, 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 Falka P.S. Case No. 104 of 2022.

(Shailendra Singh, J.)

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