

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46143 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- BARAUNI District- Begusarai

Chandan Kumar S/O Shankar Mahto Resident of village- Vajvachak, P.S.-
Muffasil (Singhaul), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-12-2022 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
Barauni Garhara P.S. Case No. 49 of 2021 registered for the
offence punishable under Section 392 of the Indian Penal Code.

As per the prosecution, the informant was robbed at
the gun point by some unknown miscreant and in the said
robbery an amount of Rs.57,500/- was looted.

The main submissions advanced by the learned
counsel Mr. Manoj Kumar for the petitioner are that the
petitioner is not named in the FIR and languishing in jail since



24.02.2021 without any legal evidence and one similarly situated co-accused person namely Babul Kumar @ Rudra @ Kari has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 69344 of 2021.

Learned APP Mrs. Asha Devi appearing for the State has opposed the bail prayer.

Having considered the defences of the petitioner mentioned in his petition that after his arrest in the present case the police failed to recover any part of the looted money from his possession and he was not put on Test Identification Parade and his name came into light in the confessional statement of co-accused persons and the said defences have not been refuted by learned APP during the course of hearing and the order of learned Court below goes to show that while rejecting the prayer of this petitioner the learned Court below mainly placed reliance upon the statement of this petitioner and co-accused persons and it also appears that against the petitioner the investigation has been completed in the light of these facts it will not be proper to keep the petitioner behind the bars mainly on the basis of statement of co-accused persons given before the police and one similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court vide order passed in above-



mentioned Cr. Misc. case, 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 Barauni Garhara P.S. Case No. 49 of 2021.

(Shailendra Singh, J.)

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