

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56185 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- KUNAUULI District- Supaul

SUSHIL KUMAR MEHTA Son of Prabhu Narayan Mehta Resident of
Village - Kunouli (Ward No. 17), P.S. - Kunouli, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

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 Kunouli PS case no. 1 of 2021 instituted for the offences
punishable under Section 394/34 of Indian Penal Code.

The allegation is regarding unknown miscreants
having snatched a sum of Rs. 4.97 lacs approximately from the
informant which was in Nepali currency. Subsequently, some
miscreants are stated to have been arrested and a sum of Rs. 1
lac approximately of Nepali currency was recovered from the
house of the petitioner.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely
implicated in the present case and is languishing in custody



since 04.01.2021. The learned counsel for the petitioner has further submitted that apart from recovery of a sum of Rs. 1 lac Nepali currency, one countrymade pistol has also been recovered, for which, one other case bearing Kunauli PS case no. 02 of 2021 has been registered on the same day. As far as the present case is concerned, it is submitted by referring to paragraph no. 8 of the present petition that the police had taken signature of the petitioner on a plain paper, whereafter the seizure list has been manufactured. It is next submitted that the actual fact is that no Nepali currency has been recovered from the possession of the petitioner. Lastly, it is submitted that similarly situated co-accused person has already been granted bail by this Court vide order dated 25.02.2022, passed in Cr. Misc. no. 46122 of 2021.

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 the petitioner is having a clean antecedent, he is languishing in custody since more than one year and no test identification parade has been held till date



so as to connect the petitioner with the alleged crime, apart from the fact that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court, 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 Judicial Magistrate, Birpur, Supaul in connection with Kunauli PS case no. 1 of 2021.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

