

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46249 of 2022

Arising Out of PS. Case No.-349 Year-2021 Thana- BATHNAHA District- Sitamarhi

NEERAJ KUMAR @ NEERAJ GIRI SON OF SHYAM GIRI R/O
VILLAGE- MAJHOLIA, WARD NO. 9, P.S.- BATHANA, DIST.-
SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ayush Kumar, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-12-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Bathnaha PS case no. 349 of 2021 instituted for the offences
punishable under Section 395 of Indian Penal Code.

The allegation is regarding 05 unknown miscreants
having arrived at the house of the informant, whereafter they had
committed loot and taken away 05 tola gold, 250 gm silver and
cash amount of Rs. 21,000/-.

The learned counsel for the petitioner submits that
the petitioner is innocent, has been falsely implicated in the
present case and is languishing in custody since 03.03.2022. The
learned counsel for the petitioner has further submitted that though
the petitioner is accused in one other case but he is on bail in the



said case. It is further submitted that no looted articles have been recovered from the petitioner and moreover, no test identification parade has been held so as to connect the petitioner with the alleged crime and his name has transpired in the present case upon the confessional statement made by the co-accused persons namely Ashok Sah and Kamlesh Giri. It is further submitted that accused Kamlesh Giri has already been granted bail by a co-ordinate Bench of this Court vide order dated 05.12.2022, passed in Cr. Misc. no. 44891 of 2022. It is also submitted that one another co-accused person namely Amar Giri has also been granted bail by a co-ordinate Bench of this Court vide order dated 14.10.2022, passed in Cr. Misc. no. 34500 of 2022.

Per contra, the learned APP 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 parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by co-ordinate Benches of this Court, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular 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 Chief Judicial Magistrate, Sitamarhi in connection with Bathnaha PS case no. 349 of 2021.

(Mohit Kumar Shah, J)

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