

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47816 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- BARGAINIA District- Sitamarhi

Sukhari Mahto Son of Jokhu Mahto Resident of Village - Musachak, P.S.-
Bairgania, District - Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bairgania P.S. Case No. 32 of 2022 lodged under Section 395 of
the I.P.C.

As per the prosecution case, The F.I.R. has been
lodged against 25 unknown criminals who have surrounded the
house of the informant and entered in the main house of the
informant upon breaking the lock and subsequently, broken the
second gate. On the gun point, they have looted Rs.7 lac and
other jewelleryes, cash, etc. amounting Rs. 40 lac.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. Learned counsel submits that the name of the petitioner has figured by virtue of the confessional statement of the co-accused and recovery has been made on the basis of confessional statement of said accused persons and not from the present petitioner rather from the other petitioners. Learned counsel submits that the petitioner is in custody since 16.04.2022. There is 2 criminal cases pending against him in which he is on bail.

Learned counsel for the State opposes the prayer for bail and submits that petitioner does not deserve to grant bail due to the reason, the same accused persons from whose confessional statement, recovery has been made from the possession of other accused persons. The same accused persons has taken the name of of the present petitioner at the confessional statement as such the confessional statement must be not accepted in part but should be accepted in full.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge and the Trial Court is directed to release him 3 months after

framing of charge on bail imposing own conditions so that he may not evade his appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

prakashmani/-

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