

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60886 of 2021

Arising Out of PS. Case No.-32 Year-2021 Thana- BIHARIGANJ District- Madhepura

BABUL KUMAR Son of Sri Pramod Yadav Resident of Village- Sarsandi,
Ward No.06, P.S.- Gwalpara, Dist- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2022 Heard.

The petitioner seeks regular bail in connection with Bihariganj P.S. Case No. 32 of 2021, registered for the offence punishable under section 392 of the Indian Penal Code.

The allegation is regarding the informant having parked his motorcycle besides the road, where-after he is stated to have gone to attend the call of nature, however, when he came back, he found that four miscreants were standing there, who had then snatched his motorcycle and fled away.

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 30.6.2021. The learned counsel for the petitioner has further submitted that the name of the petitioner has transpired in the present case on the disclosure made by the co-accused person and in fact, the stolen motorcycle has not been recovered from the conscious possession of the petitioner. It is further submitted that no Test Identification Parade has been conducted till date so as to connect the petitioner with the alleged crime.

Per contra, Shri Ashok Kumar, 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 parties and taking into account the materials available on record as also considering the fact that neither Test Identification Parade has been held so as to connect the petitioner with the alleged crime nor the stolen



motorcycle has been recovered from the conscious possession of the petitioner, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of J.M. 1st Class, Udakishunganj, Madhepura in connection with Bihariganj P.S. Case No. 32 of 2021.

(Mohit Kumar Shah, J)

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