

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58814 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- KURSAILA District- Katihar

SUDHANSHU KUMAR Son of Bachchi Mandal Resident of village - Bhim
Das Tola, Tintanga, Diara, P.S.- Gopalpur (Rangra O.P.), District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-12-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kursela P.S. Case No. 02 of 2022 for the offence registered
under Section 392 of the Indian Penal Code.

The case of the prosecution, in brief, is that while the
informant was returning back to his house on 24.12.2021 from
his mobile shop, on way four unknown miscreants had arrived
on two motorcycles, whereafter they had intercepted the
informant and had taken away his cellphone as also a sum of Rs.
1,000/-

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case and he is languishing in custody since 13.06.2022.



The learned counsel for the petitioner has also submitted that though the petitioner is accused in three other criminal cases but he is on bail in two of them. It is also submitted that neither any incriminating article nor any cash amount has been recovered from the possession of the petitioner and in fact he has been remanded in the present case from one another criminal case on 13.06.2022. Lastly, it is submitted that no Test Identification Parade has been held till date so as to connect the petitioner with the alleged crime.

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 petitioner and taking into account the materials available on record as also considering the fact that neither any incriminating articles have been recovered from the possession of the petitioner nor any cash amount has been recovered from the possession of the petitioner apart from the fact that no Test Identification Parade has been conducted so as to connect the petitioner with the alleged crime, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed



to 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 learned Chief Judicial Magistrate, Katihar
in connection with Kursela P.S. Case No. 02 of 2022.

(Mohit Kumar Shah, J)

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