

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.791 of 2022

Arising Out of PS. Case No.-66 Year-2019 Thana- MAHESI District- East Champaran

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MUKESH RAM Son of Banti Ram Resident of Village- Basantpur, P.S.-
Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh,Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2022 Heard the learned counsel appearing for the petitioner and
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Mehshi
P.S. Case No. 66 of 2019 for the offence punishable under
Section 392 of the Indian Penal Code.

The prosecution case as per the written report of Om
Prakash Giri submitted before the S.HO., Mehshi Police station is
to the effect that the informant is a delivery boy in Ecom
Express Pvt. Ltd. and on 17.03.2019, the accused persons
robbed him off a sum of Rs. 40,026/- and one mobile phone,
leading to registration of FIR against three unknown persons.
During course of investigation, the name of the petitioner sprang
up in the confessional statement of the co-accused person,
whereafter the petitioner is stated to have confessed his guilt.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 26.03.2021. It is further submitted that though the petitioner is an accused in two other cases but he is on bail in both the cases. It is also submitted that till date no Test Identification Parade has been held so as to connect the petitioner with the alleged crime nor any looted article/cash amount has been recovered from the conscious possession of the petitioner. Lastly, it is submitted that similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 05.06.2020 passed in Criminal Misc. No. 87183 of 2019.

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 parity of the case of the petitioner with that of the co-accused person who has already been granted bail by a coordinate Bench of this Court apart from the fact that no Test Identification Parade has been held till date so as to connect the petitioner with the alleged crime, I deem it fit and proper to direct for release of the



petitioner 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 Additional Chief Judicial Magistrate-VI, East Champaran at Motihari in connection with Mehsi P.S. Case No. 66 of 2019.

(Mohit Kumar Shah, J)

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