

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8510 of 2023**

Arising Out of PS. Case No.-60 Year-2022 Thana- BISHUNPUR District- Darbhanga

SHYAM KUMAR @ SHYAM RATHAUR S/O BAIJNATH SAH @
BAIDYANATH SAH Resident of village- Moh, Jitu Gachhi, P.S.- Nagar,
District- Darbhanga.

... .. 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. Awadhesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 13-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under section 392 of the
Indian Penal Code.

The prosecution story, in brief, is that while the
informant was on the way, four miscreants boarding on two
motorcycles armed with pistol surrounded the informant and
forcibly took the key of his motorcycle bearing Registration No.
JH01DC-2669 along with other belongings.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is not named in FIR rather he has falsely been
implicated in this case on the basis of suspicion. Neither the



petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. The name of the petitioner has been transpired in this case on the basis of confession made by co-accused namely, Nitish Kumar which has got no evidentiary value in the eye of law. It is further submitted that the petitioner has not been put on TI Parade till date. Moreover, the petitioner is languishing in judicial custody since 1.8.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bishanpur P.S. Case No. 60 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Darbhanga.

(Sunil Kumar Panwar, J)

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