

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13982 of 2023

Arising Out of PS. Case No.-447 Year-2022 Thana- AMARPUR District- Banka

NIRBHAY KUMAR S/O ABHINANDAN YADAV R/v- Jagtpur, P.S.- Sah
Parwatta, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar
For the Opposite Party/s : Mr. Nityanand

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 26-04-2023 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 393 of the Indian Penal Code.

As per prosecution case, while the informant along with his son was going outside by motorcycle bearing Registration no. BR10H-5775, in the meantime, three unknown miscreant came there and tried to snatch his motorcycle. On *hulla*, local villagers who were plying in the field, gathered and after seeing them, the accused persons firing in the air and fled away.

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 which shows his complicity in the alleged offence. The name of the petitioner has been transpired in this case on the basis of his self confessional statement. It is further submitted that the petitioner has not been put on TI Parade till date. The petitioner has got no criminal antecedent and languishing in judicial custody since 16.8.2022.

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 Amarpur P.S. Case No. 447 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 Chief Judicial Magistrate, Banka.

(Sunil Kumar Panwar, J)

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