

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22202 of 2023

Arising Out of PS. Case No.-536 Year-2021 Thana- SARAIYA District- Muzaffarpur

Ravi Kumar, Son of Lagan Mahto Resident of Village - Bahorakha, P.S.-
Belsaro (O.P.), District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate
For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Saraiya P.S. Case No. 536 of 2021 registered on 29.07.2021 for the alleged offences under Section 392 of the Indian Penal Code.

3. As per prosecution case, two miscreants snatched the motorcycle and mobile phone of the informant at gun point. Later on, name of the petitioner surfaced as one of the miscreants involved in this case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. When the police arrested the petitioner and other co-accused in Saraiya P.S. Case No. 602 of 2021, they falsely



implicated the petitioner in this case as well. Learned counsel further submits that though recovery of looted motorcycle is said to be from the joint possession of the petitioner and co-accused but it is not the same motorcycle which was looted from the informant of this case. Nothing incriminating has been recovered from the possession of this petitioner. Similarly situated co-accused Dasrath Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 09.12.2022 passed in Cr. Misc. No. 45914 of 2022. Petitioner is in custody since 21.12.2021.

5. Learned App opposes the prayer for bail submitting that recovery of looted motorcycle was made from the joint possession of this petitioner and other co-accused persons.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IVth, (West) Muzaffarpur/court concern in connection with Saraiya P.S. Case No. 536 of 2021, subject to the condition



mentioned in Section 437(3) of the Cr.P.C. and other the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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