

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40556 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- KHAGARIA District- Khagaria

BIRBAL DAS Son of Makhn Das Resident of Village- Babraha, Police
Station- Parbatta, District - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-01-2023

Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Khagaria (Muffasil) P.S. Case No.
167 of 2021, for the offence registered under
Section 395 of the Indian Penal Code.

The allegation is regarding unknown
miscreants having looted the truck and the articles
loaded on it, from the driver of the said truck
belonging to the informant in the night of
22.02.2021 at about 10:00 P.M. It is alleged that
the SIM registered in the name of the petitioner



was recovered from the snatched mobile phone, belonging to the driver of the truck in question, from the petitioner and that is how the petitioner was implicated in the present case on 22.05.2022 and since then he is in custody.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 22.05.2022. The learned counsel for the petitioner has further submitted that after more than one year of the alleged incident of the truck being looted by unknown miscreants along with its load, the petitioner has been falsely implicated in the present case on the ground that the mobile phone belonging to the driver of the said apprehended truck, was recovered which contains a SIM registered in the name of the petitioner, however, the fact is that the petitioner had purchased the mobile phone from a passer-by.

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 nature of allegation levelled against the petitioner coupled with the fact that the petitioner is having a clean antecedent, 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, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 167 of 2021.

(Mohit Kumar Shah, J)

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