

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44533 of 2023

Arising Out of PS. Case No.-243 Year-2021 Thana- KATORIYA District- Banka

TUFANI DAS SON OF LATE HARI DAS Village- Noniya Basar Ps- banka
Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 394 of the Indian Penal Code.

3. As per prosecution case, some unknown miscreants snatched the motorcycle of the informant along with cash of Rs. 1500 and a mobile phone while he was going to Tetaria.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in the FIR rather he has falsely been implicated in this case on the basis of confessional statement of co-accused namely, Mitan Yadav before the police which has got no evidentiary value in the eye of law. Neither the petitioner was put on TI Parade nor any incriminating article has been



recovered from his conscious possession. Moreover, similarly situated co-accused namely, Mitan Yadav has already been granted bail by a co-ordinate Bench of this Court vide order dt. 15.6.2022 passed in Cr. Misc. No. 14281 of 2022 and in support of this Annexure-2 has been annexed with this petition. It is further submitted that the petitioner is languishing in judicial custody since 10.11.2022.

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

6. 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 Katoria P.S. Case No. 243 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial magistrate, Banka/concerned Court.

(Sunil Kumar Panwar, J)

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