

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47061 of 2022

Arising Out of PS. Case No.-159 Year-2021 Thana- JANDAHA District- Vaishali

PRIYESH KUMAR @ PRIYAS KUMAR Son of Lal Babu Singh Village -
Bishanpur, Ward No. -08, Police Station- Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Soni Shrivastava, Adv.

Mr. Ravi Bhardwaj, Adv.

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Jandaha P.S. Case No. 159/2021, registered for the offence punishable under Section 392 of the Indian Penal Code.

The case of the prosecution, in brief, according to the informant, is that on 27.7.2021 at about 5:15 in the morning, he was going to attend to his duties on his motorcycle, however, when he had reached near village Chakfatan High School at NH-322, three unknown miscreants, riding on a motorcycle, had arrived from behind



and intercepted the informant, whereafter they had, on pistol point, snatched his motorcycle, his mobile phone and a sum of Rs. 1500/- from his person.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 14.9.2021. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one other case, arising out of the same incident wherein allegation has been levelled regarding recovery of one country made pistol along with five live cartridges and a stolen motorcycle, stated to have been snatched in the incident in question, however, he has been granted bail by a co-ordinate Bench of this Court vide order dated 10.5.2022, passed in Criminal Miscellaneous No. 23 of 2022. It is further submitted that no Test Identification Parade has been held so as to connect the petitioner with the alleged crime.



Per contra, the learned APP 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 materials available on record as also considering the materials available in the case diary, this Court finds that as far as recovery of the looted motorcycle is concerned, a separate case bearing Jandaha P.S. Case No. 167/2021 was lodged and in the said case, the petitioner has already been granted bail, hence, as far as the present case is concerned i.e. Jandaha P.S. Case No. 159 /2021, the allegation is regarding unknown miscreants having looted the informant, however, no Test Identification Parade has been held till date so as to connect the petitioner with the alleged crime. Under such circumstances as also considering the fact that the petitioner has been granted bail in the case wherein recovery has been made, apart from the



fact that he is languishing in custody since more than one year, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 159/2021.

(Mohit Kumar Shah, J)

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