

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48192 of 2023

Arising Out of PS. Case No.-66 Year-2023 Thana- GHOGHARDIHA District- Madhubani

Jitan Mukhiya, Son of Arun Mukhiya, Resident of Village--Dighiya Tol, P.S.-
Ghoghardiha, District -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 03-08-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Ghoghardiha P.S. Case No. 66 of 2023 dated 24.04.2023
(corresponding to G.R. No. 724 of 2023) registered for the
offence(s) punishable under Section(s) 392 of the Indian Penal
Code.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner has no criminal
antecedent, in the present mater three seizure lists were prepared
but the witnesses of the seizure are same persons which create a
doubt in the recovery of articles shown in the seizure lists, the
petitioner was not put on test identification parade despite the
informant having claimed to have seen and identified this
petitioner, the police failed to recover any looted article from
the possession of this petitioner after he was taken into custody
and the recovery of the said incriminating looted articles was



made from the possession of other accused persons. Further submissions are that the petitioner has been languishing in jail since 26.04.2023 and against him, the investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly petitioner's fair and clean antecedent and completion of investigation against him and also the fact that as per the order impugned some of the looted articles were recovered from the possession of co-accused persons and not from the possession of this petitioner and this petitioner is stated to be a young person, in my opinion, in the said circumstances, the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail in connection with Ghoghardiha P.S. Case No. 66 of 2023 (G.R. No. 724 of 2023) on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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