

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47828 of 2022

Arising Out of PS. Case No.-383 Year-2021 Thana- KHAIRA District- Jamui

Diwakar Kumar S/O Nand Kishore Tanti Resident Of Village- Patauna, P.S.-
Malaypur, District- Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Narsingh Tanti, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 22-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Khaira P.S. Case No. 383 of 2021 registered for the offence punishable under Section 392 of the Indian Penal Code.

As per the prosecution, the informant alleged that three unknown miscreants assaulted him and looted his motorcycle by brandishing a gun.



The main submissions advanced by learned counsel Mr. Narsingh Tanti, appearing for the petitioner are that the petitioner is not named in the FIR, after his arrest in the present matter he was not put on test identification parade and recovery of the any part of the looted articles was not made from the possession of this petitioner and his name surfaced in the confessional statement of co-accused Vikram Kumar, who has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 22950 of 2022 and one other co-accused person namely, Jitendra Kumar Mandal @ Jitendra Mandal @ Bablu Mandal has also been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.22396 of 2022 and the petitioner's case stands on similar footing with the co-accused persons.

Learned APP Ms. Indu Kumari Srivastava, appearing for the State has opposed the prayer for bail.

In view of the facts, as stated above and mainly considering the fact that the co-accused Vikram Kumar, who revealed the role of this petitioner in the alleged crime, is on bail, in my view the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of the concerned Court in connection with Khaira P.S. Case No. 383 of 2021.

(Shailendra Singh, J.)

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