

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49098 of 2022**

Arising Out of PS. Case No.-942 Year-2020 Thana- MADHAURAH District- Saran

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ROHIT KUMAR @ ROHIT TIWARI @ ROHIT KUMAR TIWARY Son of
Ganesh Tiwari R/V- Mahuli, P.S- Isuapur, Dist- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Marhaura P.S. Case No. 942 of 2020, registered for the offence punishable under Section 392 of the Indian Penal Code.

The accusation is regarding unknown miscreants having intercepted the informant and his brother while they were returning to their house and thereafter, they had snatched the motorcycle of the informant, two gold rings, a sum of Rs. 6,000/- and one mobile phone.

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 11.8.2021. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in seven other cases, but he is on bail in four of them. It is further submitted that neither any Test Identification Parade has been held so as to connect the petitioner with the alleged crime nor any looted articles have been recovered from the petitioner.

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 on record as also those available in the case diary, this Court finds that neither any Test Identification Parade has been held so as to connect the petitioner with the alleged crime nor any looted articles have been recovered from



the possession of the petitioner, nonetheless, considering the bad antecedent of the petitioner, I deem it fit and proper to direct for release of the petitioner on bail, immediately upon framing of charge by the learned trial court, subject to such conditions as may be deemed fit and proper to be imposed by the learned Court of Chief Judicial Magistrate, Saran at Chapra in connection with Marhowrah P.S.Case No. 942 of 2020.

The present petition stands disposed of with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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