

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54804 of 2023

Arising Out of PS. Case No.-1380 Year-2022 Thana- PHULWARISHARIF District- Patna

PRIYADARSHI YADAV @ PRIYADARSHI KUMAR @ DARSHAN
YADAV @ DARSHAN KUMAR, aged about 21 years (M), S/O LATE
ARUN RAI, R/O MOHALLA- NEAR VISHAL MEGA MART, PS.
KANKARBAGH, DIST. PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 30-08-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. Petitioner seeks regular bail in connection with
Phulwarisharif P.S. Case No. 1380 of 2022 dated 09.11.2022
registered for the offence(s) punishable under Section(s) 395 of
the Indian Penal Code.
3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner is a young
person and has been languishing in jail since 24.02.2023,
though against him there are criminal antecedents of six cases
but he was initially arrested in Phulwarisharif P.S. Case No.28
of 2023 and thereafter he was remanded in other cases including
the present matter. Further submissions are that the FIR was



registered against unknown and despite the informant having claimed to be able to identify the accused persons, this petitioner was not put on Test Identification Parade (T.I.P.), during investigation, mainly on the basis of confessional statements of co-accused persons Vikash Kumar and Deepak Kumar as well as his mobile phone's location being found near the place of occurrence at the time of commission of the alleged occurrence, he has been dragged in this case but after his remand in the present matter, the police failed to recover any part of the looted articles from his possession and against him, the investigation has been completed. Further submissions are that out of the antecedent cases, the petitioner has got bail in two cases from the learned court below and in one case from this Court .

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the facts that as per order impugned any part of the looted articles was not recovered from the possession of the petitioner and he was not put on Test Identification Parade (T.I.P.) despite the informant having claimed to be able to identify the accused persons and the main materials on which basis the petitioner



has been made accused are confessional statements of the co-accused persons as well as his phone location being found at or near the place of occurrence at the time of commission of the alleged occurrence and against him, the investigation has been completed, this Court is inclined to accept his bail prayer. Accordingly, let the petitioner named-above be enlarged on bail in connection with Phulwarisharif P.S. Case No. 1380 of 2022 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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