

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58316 of 2022

Arising Out of PS. Case No.-306 Year-2018 Thana- BARACHATTI District- Gaya

Mahendra Yadav @ Mahendra Singh Yadav S/o Birju Yadav @ Briznandan Yadav
R/o Village- Kahudag, Nimia tad, P.S.- Barachatti, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. S. Jamil Akhtar, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 20-04-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.
2. Heard learned counsel for the petitioner and the learned APP for the State.
3. Petitioner seeks regular bail in connection with Barachatti P.S. Case No. 306 of 2018 dated 10.05.2018 registered for the offence punishable under Section 392 of the Indian Penal Code.
4. The main submissions advanced by learned counsel for petitioner are that the FIR was registered twenty-six days after the commission of the alleged loot, in the FIR the informant claimed to be able to identify the accused persons but after petitioner's remand in the present matter, the police did not take any attempt to get the petitioner identified by informant by using *Test*

Identification Parade procedure. Further submission is that the instant matter relates to loot of motorcycle from the possession of informant but after the petitioner's remand in the present matter the police failed to recover the looted motorcycle and accordingly there is no any legal evidence to show petitioner's involvement in the alleged crime and the petitioner has been languishing in jail since 23.06.2022 and against him the investigation has been completed.

5. Learned APP for the State has opposed the bail prayer of the petitioner.

6. Considering the above submissions and mainly petitioner's the defence that after his remand in present matter the police did not put him to *Test Identification Parade* despite informant's claim to be able to identify the accused persons and no any incriminating material or looted motorcycle showing the petitioner's involvement in the alleged crime was recovered and the said defence has not been refuted by the learned APP, in my opinion, it is a fit case for bail to the petitioner. 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 concerned Court in connection with Barachatti P.S. Case No. 306 of 2018.

(Shailendra Singh, J)

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