

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58095 of 2022

Arising Out of PS. Case No.-92 Year-2021 Thana- MOKAMAH District- Patna

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Santosh Kumar @ Chuhwa @ Santosh Bind S/O of Birmani Bind @ Birmani
Mahto Resident of Village- Simariya Ghat, Bind Toli, P.S Barauni, District-
Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr.Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 07-02-2023 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection
with Mokama PS case no. 92 of 2021 instituted for the offences
punishable under Section 392 of the Indian Penal Code.

The informant has alleged that while he was going
from Bhagalpur to Patna on 27.03.2021 on his motorcycle and had
reached near Mokama Bypass, three unknown culprits came on
Glamour motorcycle, had overtaken him and had intercepted him,
whereafter on pistol point, they had looted his two mobile phones
and motorcycle.

The learned counsel for the petitioner submits that
the petitioner is innocent and has been falsely implicated in the
present case. The learned counsel for the petitioner has further



submitted that the petitioner has been remanded in the present case on 14.07.2022. It is next contended that the petitioner has been roped in the present case merely on account of his bad antecedent. It is also submitted that the name of the petitioner has transpired in the present case upon the confessional statement made by the co-accused persons, who have already been granted bail by a co-ordinate Bench of this Court vide order dated 22.06.2022, passed in Cr. Misc. no. 8247 of 2022. It is also submitted that no recovery has been made from the petitioner. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail by co-ordinate Benches of this Court vide orders dated 29.06.2022 and 01.08.2022, passed in Cr. Misc. no. 10428 of 2022 and Cr. Misc. no.15180 of 2022, respectively.

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 parties and taking into account the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail by co-ordinate Benches of this Court apart from the fact that neither any test identification parade has been held so as to connect the petitioner with the alleged crime nor any recovery of the looted articles/ mobile phones have been made



from the petitioner, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.C.J.M.-II, Barh, Patna in connection with Mokama PS case no. 92 of 2021.

(Mohit Kumar Shah, J)

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