

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59030 of 2023

Arising Out of PS. Case No.-327 Year-2018 Thana- CHAKIA District- East Champaran

Munna Sah S/O Late Bhuneshwar Sah Vill Baidhyanathpur Karnaul, Ps-
Sahebganj, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 395, 397 of the Indian Penal Code.

As per allegation in the FIR, 25-30 miscreants entered into house of the informant by breaking the door and assaulted him. It is further alleged that they confined his mother and taking key of shafe of his house and took away ornaments, cash and mobile phones.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case due to high handedness of police. The petitioner is not named in the F.I.R. and no looted articles have been recovered from his conscious possession. His



name has been surfaced in this case only on the basis of confessional statement of co-accused Bhuneshwar Sah who is father of the petitioner in police custody, which has no evidentiary value in the eye of law. During investigation, no consistent material has come against the petitioner. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 15.07.2019 passed in Cr. Misc. No. 25980 of 2019 which is annexed as Annexure-2 of this petition. Moreover, the petitioner is languishing in judicial custody since 27.03.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Chakia P.S. Case No. 327 of 2018 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran at Motihari.

(Sunil Kumar Panwar, J)

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