

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58277 of 2022

Arising Out of PS. Case No.-54 Year-2021 Thana- PAWANA District- Bhojpur

AMBHU KUMAR @ AMBHU YADAV Son of Raj Kumar Yadav @ Raj
Kumar Singh Resident of Village - Salempur, P .S. Chandi, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-01-2023 Heard the Ld. Counsel for the petitioner
and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Pawna P.S. Case No. 54 of 2021 for the offence registered under Section 392 of the Indian Penal Code.

The allegation levelled by the informant is that on 24.11.2021 at about 6:30 P.M. while he was travelling on his Honda motorcycle and had reached at Bighiaon Road at 7:30 P.M., three persons riding on a Hero Splendor Plus motorcycle had overtaken him, whereafter they had stopped the motorcycle of the informant and had snatched his mobile phone, driving license, PAN card, Aadhaar Card, ATM card and cash amounting to a sum of Rs. 8,000/-.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 23.07.2022. The learned counsel for the petitioner has further submitted that the name of the petitioner has transpired upon confessional statement made by the co-accused person, namely, Pappu Yadav who is the cousin brother of the petitioner and the mobile phone recovered from the petitioner, which is stated to be belonging to the informant, was given by the said Pappu Yadav, which the petitioner had taken on the *bona fide* belief that the same was purchased by Pappu Yadav legally. Lastly, it is submitted that considering the period of incarceration, the petitioner be admitted to the privilege of bail.

Per contra, the learned A.P.P. 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 available on record, this Court finds that the name of the petitioner has transpired in the present case upon disclosure made by the co-accused person, namely, Pappu Yadav in his confessional statement, however, no Test Identification Parade has been held so as to connect the petitioner with the alleged crime, apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since about six months, hence, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Ara in connection with Pawna P.S. Case No. 54 of 2021.

(Mohit Kumar Shah, J)

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