

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59142 of 2023

Arising Out of PS. Case No.-104 Year-2023 Thana- ISUAPUR District- Saran

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ASHUTOSH KUMAR OJHA @ VIKKY OJHA S/o BIRENDRA OJHA R/o
vill - Rampur Atauli, P.S. - Isuapur, Distt. - Saran, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhijeet Abhigyan

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 394 of the Indian Penal Code.

3. As per prosecution case, two unknown miscreants are alleged to have intercepted the informant and snatched his bag containing cash of Rs. 12,000/- and a mobile phone on gun point.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is not named in the FIR rather his name sprang up in the present on the basis of his self confessional statement in other case Isuapur P.S. Case



No. 105 of 2023 thereafter he was remanded in this case. It is further submitted that confession before police is not admissible in the eye of law. Neither the petitioner was put on TIP nor any incriminating article has been recovered from his conscious possession. It is further submitted that this case is triable by court of Judicial Magistrate. Moreover, the petitioner is languishing in judicial custody since 20.5.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Isuapur P.S. Case No. 104 of 2023 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, Saran.

(Sunil Kumar Panwar, J)

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