

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61322 of 2022**

Arising Out of PS. Case No.-154 Year-2022 Thana- TEKARI District- Gaya

SHIV SAMBHU KUMAR SON OF UDAY SINGH @ UDAY MAHTO
RESIDENT OF VILLAGE- RANI BIGHA, P.S.- TEKARI
(PANCHANPUR), P.O.- UTTRAIN, DISTRICT- GAYA, BIHAR- 824207

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar
For the Opposite Party/s : Mr.Rita Verma

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 30-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Tekari (Panchanpur) P.S. Case No. 154/2022, registered for the offence punishable under Section 395 of the Indian Penal Code.

The allegation is regarding the informant having departed on 16.3.2022 at about 6:30 pm. along with one passenger on his auto rickshaw to go to Panchanpur and when they had reached Panchanpur, the accused persons had asked him to drop at Kusapi, where 6-7 unknown miscreants had surrounded the auto rickshaw in question and



had looted the same, apart from taking away a sum of Rs. 1300/- in cash from the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 11.4.2022. The learned counsel for the petitioner has further submitted that neither any Test Identification Parade has been held so as to connect the petitioner with the alleged crime nor any recovery of the auto rickshaw in question has been made from the petitioner, hence, he is not having any complicity in the matter.

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 petitioner and taking into account the materials available on record as also considering the fact that no Test Identification Parade has been held



so as to connect the petitioner with the alleged crime, apart from the fact that he is having a clean antecedent and is languishing in custody since 11.4.2022, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM VI, Gaya in connection with Tekari (Panchanpur) P.S. Case No. 154 of 2022.

(Mohit Kumar Shah, J)

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