

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63055 of 2023

Arising Out of PS. Case No.-552 Year-2018 Thana- KESARIA District- East Champaran

Manish Pathak, Male, aged about 23 years, Son Of Parashnath Pathak,
Resident Of Village- Bishunpurwa, P.S.- Baruraj, Distt- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate

For the Opposite Party : Mr. Ram Naresh Ray, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial No. 916 of 2022, arising out of Kesariya P.S. Case No. 552 of 2018 dated 27.12.2018 registered for the offences punishable under Sections 394, 397 and 120B of the Indian Penal Code.

3. As per the prosecution case, three unknown miscreants boarded on a Motorcycle are alleged to have taken away the informant's Motorcycle and the said Motorcycle was left and money was also taken away after firing.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. The petitioner is not named in the F.I.R. His name has sprang up in this case merely on the basis of the confessional statement of the co-accused. Other similarly situated co-accused persons have been granted bail by the different Co-ordinate Benches of this Court vide Cr. Misc. No. 56253 of 2019 under order dated 04.09.2019, Cr. Misc. No. 63592 of 2019 under order dated 22.10.2019, Cr. Misc.No. 78117 of 2019 under judgment dated 09.12.2019 and Cr. Misc. No. 82085 of 2019 under order dated 18.12.2019, annexed as Annexures-'P2' series to the bail petition. The petitioner has been made accused in five other cases and out of which, in one case, the petitioner has been granted bail, as stated in paragraph no. 3 of the bail petition. The petitioner has been remanded in the present case on 19.02.2022 and since then he is rotting in the jail.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned, East Champaran at Motihari, in connection with Sessions Trial No. 916 of 2022,



arising out of Kesariya P.S. Case No. 552 of 2018.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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