

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68816 of 2023

Arising Out of PS. Case No.-229 Year-2023 Thana- GURUA District- Gaya

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MAHESH SHARMA SON OF SITA RAM SHARMA RESIDENT OF
VILLAGE - PAWRA TOLA, MISIR BIGHA, P.S. - GURUA, DISTRICT -
GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under section 395 of the Indian Penal Code.

As per allegation in the FIR, two motorcycle riders intercepted the informant and took away his bag containing Rs. 1,26,530/-, Aadhar Card and his official meeting register and fled away.

It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence. He has been falsely implicated in this case by the police during investigation on the basis of his self confessional statement given under the police custody which has no evidentiary value in the eye of law. Neither



the petitioner is named in the FIR nor put on T.I.P.. There is no eye witness of the alleged occurrence. Nothing has been recovered from his conscious possession. There is no evidence against the petitioner to show his complicity in this case except his self confessional statement. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Similarly situated co-accused namely, Manish Kumar has already been enlarged on bail by this Bench vide order dated 08.09.2023 passed in Cr. Misc. No. 59694 of 2023. Petitioner is languishing in judicial custody since 11.5.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sherghati, Gaya in connection with Gurua P.S. Case No. 229 of 2023.

(Sunil Kumar Panwar, J)

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