

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62248 of 2022

Arising Out of PS. Case No.-192 Year-2022 Thana- GHOSI District- Jehanabad

Mukesh Kumar Son of Late Lala Rai @ Late Lala Ram R/V- Batchhili, P.S-
Ghoshi, Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 22-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Ghoshi (Okari O.P.) P.S. Case No. 192 of 2022 registered for the offences punishable under Sections 420, 414 and 34 of the Indian Penal Code.

As per the prosecution, the police personnel acting upon a secret information, apprehended two persons from the alleged place, who disclosed the name of this petitioner to be involved in preparation to commit murder of one namely, Venktesh Sharma and also stolen motorcycles were recovered.

The main submissions advanced by Mr. Ajay Kumar Sinha, learned counsel for the petitioner are that he was not apprehended at the spot and his name surfaced in the confessional statement of two co-accused persons, namely Chhotu Sharma @ Ravikant Sharma @ Chhotu and Akash Paswan @ Akash Kumar who revealed the involvement of the petitioner in the alleged crime and the said co-accused persons have been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 36188 of 2022 and after petitioner's arrest in the present matter, the police failed to make recovery of any incriminating material from his possession and he was arrested on 23.08.2022, though against the petitioner there are criminal antecedents of nine cases, but he has been acquitted in five cases and he is on bail in rest of the other cases and in the instant matter the alleged offence under Section 414 of IPC is not made out and petitioner's trial has started and charges have been framed against him.

Mr. Anil Prasad Singh, learned APP for the State has opposed the bail prayer.

In view of the facts, as stated above and mainly considering the privilege of bail having been granted to co-accused persons named above by a co-ordinate bench of this

Court, and also the fact that the petitioner was not apprehended at the spot and his name surfaced in the statement of co-accused persons who were arrested with the alleged motorcycle, in my view the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Ghoshi (Okari O.P.) P.S. Case No. 192 of 2022.

(Shailendra Singh, J)

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