

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68950 of 2022

Arising Out of PS. Case No.-215 Year-2022 Thana- PIPRAKOTHI District- East Champaran

MOHAN PRASAD Son of Raja Sah R/v- Shankar Saraiya Kaswa, P.S.-
Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 22-03-2023 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 sections 328, 420, 392, 34 of the Indian Penal Code.

As per prosecution case, allegation against the petitioner is to receive looted items from co-accused persons, who committed the crime of robbery and while committing so taken away truck loaded with 1500 containers of palm oil.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in FIR rather he has falsely been implicated in the present case on the basis of suspicion. The name of the petitioner transpired in the alleged offence on the basis of confessional statement of co-accused Ranjan Kumar,



before the police which has got no evidentiary value in the eye of law. So far as recovery of palm oil is concern, the petitioner runs a Grocery shop and said palm oil was purchased by him. The petitioner has got no criminal antecedent and languishing in judicial custody since 27.7.2022.. Moreover, similarly situated co-accused namely, Ram Mohan Rastogi has already been granted bail by a co-ordinate Bench of this Court vide order 25.2.2023 passed in Cr. Misc. No. 66724 of 2022.

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

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 Piprakothi P.S. Case No. 215 of 2022 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, Sadar Motihari, East Champaran.

(Sunil Kumar Panwar, J)

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