

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63728 of 2022

Arising Out of PS. Case No.-1115 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Sachin Kumar S/O Mithilesh Sah Resident of village- Pakra, P.S.- Naugachia,
District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-02-2023 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 Khajanchi Hat (Maranga) P.S. Case No. 1115 of 2021 registered for the offence punishable under Section 392 of the Indian Penal Code.

As per the prosecution, the informant's vehicle was snatched by some unknown miscreants from the alleged place.

The main submissions advanced by Mr. Amrendra Kumar, learned counsel for the petitioner are that the FIR was lodged against unknown persons and during investigation co-accused Dharmendra Kumar was apprehended who revealed the

role of this petitioner in the alleged crime but except the said confessional statement of co-accused there is no any other material and the investigation has been completed and petitioner's trial has started and charges have been framed upon him on 20.09.2022 and till now no prosecution witness has been examined in the petitioner's trial. Further submission is that petitioner was not put on *Test Identification Parade* by the police and no recovery of any of the looted articles was made from his possession and he has been languishing in jail in the present matter since 26.04.2022 and similarly situated co-accused persons Abhishek Kumar and Md. Sufiyan have been granted bail by different co-ordinate benches of this Court vide orders passed in Cr. Misc. No. 33292/2022 and Cr. Misc. No. 36918/2022 respectively.

Mr. Umeshanand Pandit, 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 granted to similarly situated co-accused persons mentioned above and also the fact that trial of the petitioner has started but till now no prosecution witness has been examined and the Trial Court while rejecting the prayer of the petitioner mainly placed reliance on petitioner's criminal

antecedent, in my view, it is a fit case for bail to the petitioner. 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 Khajanchi Hat (Maranga) P.S. Case No. 1115 of 2021.

(Shailendra Singh, J)

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