

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70792 of 2023

Arising Out of PS. Case No.-177 Year-2018 Thana- SISWAN District- Siwan

BIRENDRA MAHTO @ LAMPATWA son of Late Sri Ram Mahto Village-
Kishunbari Ps- Siswan Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam

For the Opposite Party/s : Mr.Arvind Kumar Pandey (App.84)

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Section 395 and 397 of the Indian Penal Code.

3. As per allegation in the FIR, some unknown miscreants armed with weapons entered in the premises of informant and on point of arms they took him and other persons and locked them in a room and took away cash of Rs. Two lakhs, two mobile phones along with other items.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case due to village politics and high handedness of police.



Neither the petitioner is named in the F.I.R. nor put on T.I.P. His name has been dragged in this case on the basis of confessional statement of co-accused Fulena Yadav which has no evidentiary value in the eye of law. Nothing has been recovered from his conscious possession. Similarly situated co-accused namely, Akhtar Miayan has already been granted bail by another co-ordinate Bench of this Court vide order dated 04.12.2019 passed in Cr. Misc. No. 69477 of 2019. Petitioner is languishing in judicial custody since 06.04.2023.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, 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 Court of A.C.J.M.-IV, Siwan in connection with Siswan P.S. Case No. 177 of 2018.

(Sunil Kumar Panwar, J)

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