

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72228 of 2023

Arising Out of PS. Case No.-579 Year-2021 Thana- PHULWARISHARIF District- Patna

Om Vishnu Kumar @ Lahsun @ Arjun Kumar Son Of Hari Kirtan Ray @
Kirtan Ray Resident Of Village - Kagzi Mohalla, P.S.- Danapur, District -
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 392 of the Indian Penal Code and later on Section 395 of the IPC was added.

3. As per allegation in the FIR, the informant and his friend alighted at Danapur Railway Station having travelled all the way from Pune and reserved an auto and further was returning home where it is alleged that the auto driver in the garb of attending call of nature contacted his associate and thereafter the said co-accused looted them of their belongings including Rs. 13,000/- two smart phones.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is not named in FIR rather his name came into light in this case on the basis of confessional statement of other co-accused person before the police which has got no evidentiary value in the eye of law. Nothing looted article has been recovered from the conscious possession of the petitioner and also he has not been put on TIP as yet. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Similarly situated other co-accused persons have already been granted bail by another co-ordinate Bench of this Court vide Annexure-2 series of this petition. Moreover, the petitioner is languishing in judicial custody since 13.04.2023.

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

6. 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 Phulwarisharif (Janipur) P.S. Case No. 579 of 2021 on furnishing bail bond of Rs.10,000/-



(ten thousand) with two sureties of the like amount each to the
satisfaction of learned C.J.M., Patna.

(Sunil Kumar Panwar, J)

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