

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70771 of 2022**

Arising Out of PS. Case No.-300 Year-2019 Thana- SARAIYA District- Muzaffarpur

Amit Kumar, S/O Rana Pratap Singh, R/O Village- Hariharpur, P.S- Saraiya,  
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      29-03-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Saraiya P.S. Case No. 300 of 2019 registered for the alleged offences under Sections 392 of the Indian Penal Code.

As per prosecution case, four miscreants on three motorcycles overtook the motorcycle of the informant and threatening him with pistol, they snatched his motorcycle, mobile phone, helmet, a bag containing Rs. 45,000/- cash, PAN Card, driving license, etc. The name of the petitioner surfaced during investigation as one of the accused persons.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case. Nothing incriminating has been recovered from the person of possession of this petitioner. No Test Identification Parade has been conducted and there was no source of identification. The petitioner has been falsely implicated in this case on the basis of confessional statement of co-accused Bibhuti Kumar Paswan, but the petitioner has no concern with him. This co-accused has been granted bail by a Coordinate Bench vide order dated 25.01.2021 passed in Cr. Misc. No. 34885 of 2020. Another co-accused Praveen Kumar Chaudhary has been granted bail by a Coordinate Bench vide order dated 20.01.2020 passed in Cr. Misc. No. 60 of 2020. Charge sheet has been submitted in this case and the petitioner is in custody since 28.06.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no Test Identification Parade has been held and further showing no recovery on any account from this petitioner or at his instance and also considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail



bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. (West)-cum-Sub Judge, Muzaffarpur in connection with Saraiya P.S. Case No. 300 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Daya/-

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