

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78251 of 2023

Arising Out of PS. Case No.-228 Year-2023 Thana- WARISNAGAR District- Samastipur

Manjay Kumar Son Of Ram Kishun Mahto @ Kishun Chand Mahto Resident
Of Village- Purnahi, Ward No. 2, Ps- Warisnagar, Dist- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 04-12-2023 Heard learned Advocate for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The instant Criminal Miscellaneous Application arises out of F.I.R., bearing Warisnagar P.S. Case No. 228 of 2023 lodged on 01.07.2023, for the offences punishable under Sections 414, 420, 467 and 468 of the Indian Penal Code.

3. At the outset I like to record that on perusal of the F.I.R. and the other materials annexed with the application for bail, I do not find any ingredient of offence under Sections 414, 420, 467 and 468 of the I.P.C. There is no allegation made against the accused of the petition that he had committed cheating upon any person and on being defrauded as such, the vehicle in question was handed over to the petitioner or that the petitioner forged certain documents for the purpose of



establishing ownership over the seized vehicle.

4. The seized vehicle was recovered from behind the house of co-accused namely Amit Kumar @ Chhotu on 28th June 2023, police formerly seized the vehicle on 01.07.2023, the accused was arrested and sent to jail on 07.07.2023. It is submitted on behalf of the petitioner that he has no connection with the incident as alleged.

5. The learned Sessions Judge, Samastipur wrongly gave credence over the confessional statement of the petitioner recorded by the Investigating Officer, such confessional statement is not admissible in evidence.

6. The learned Additional Public Prosecutor for the State has raised objection against the prayer for bail, this Court is of the view that on the basis of finding made hereinbefore, the petitioner is entitled to be released on bail.

7. Accordingly, the petitioner, above-named, may be granted bail on his furnishing bail bonds in the sum of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Warisnagar P.S. Case No. 228 of 2023, with further condition that he must comply the conditions, namely, he would not persuade or threaten the



witnesses and would be present in the court below during trial on all dates.

Failure on the part of the petitioner to comply with any of the above directions will entail the learned court below to cancel the bail without any further order.

(Bibek Chaudhuri, J)

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