

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4357 of 2024

Arising Out of PS. Case No.-64 Year-2019 Thana- VISHNUPAD District- Gaya

Ishwar Chaudhary @ God Son of Munarik Chaudhary Resident of Village - Bhadeja, P.S.- Muffasil, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 31-01-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Vishnupad P.S. Case no.64 of 2019 registered under sections 379, 411, 382, 414 and 34 of the Indian Penal Code and sections 25(1-B)(a), 26, 27 and 35 of the Arms Act.

3. As per the prosecution case, the informant states that on hearing some sound, he opened his door and saw the accused persons making an attempt to steal his motorcycle. On chase, while accused Rohit Kumar was caught one of the accused managed to escape. The accused caught disclosed that the person who managed to escape was Shravan Kumar. The name of the petitioner transpired in the confessional statement of co-accused Rohit Kumar.



4. Learned counsel for the petitioner submits that neither the petitioner is named in the F.I.R. nor was he arrested at the spot. No incriminating article has been recovered from his possession. The only material against him is the confessional statement of a co-accused made before police. The cause of his false implication is his antecedents. He is in custody since 1.8.2023 and chargesheet has been submitted in the case.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R., the material that has transpired in course of investigation as is evident from the order of the learned trial Court, no incriminating article having been recovered from the petitioner's possession, his being in custody for more than 5 months since 1.8.2023 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Vishnupad P.S. Case no.64 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya.

(Partha Sarthy, J)

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