

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7695 of 2024

Arising Out of PS. Case No.-149 Year-2021 Thana- ATHMALGOLA District- Patna

Vidhya Bharti Son of Jato Paswan @ Bholu Paswan R/o vill - Ghanghdih, P.S.
- Bakhtiyarpur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-02-2024 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 Sections 393 and 398 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation in the FIR, while the informant along with his wife was going to attend a Birthday Party to the house of his relative, three persons boarded on a Apache Motorcycle have stopped them and put pistol upon them. One of the culprit assaulted him on his head by means of butt of pistol. When local people came there and tried to rescue him then accused persons fired at them and thereafter fled away on their motorcycle.

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. Neither the petitioner is named in the F.I.R. nor he has been put on T.I.P. Name of the petitioner has been transpired in this case during course of investigation on the basis of confessional statement of other co-accused namely, Mohan Kumar as well as one Lallu Kumar. Nothing has been recovered either from the possession or from the house of the petitioner. Save and except confessional statement of other co-accused, no consistent material has come against the petitioner to show his complicity in the alleged occurrence. The other co-accused person namely, Mohan Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 26.07.2022 passed in Cr. Misc. No. 17721 of 2022. Moreover, the petitioner is languishing in judicial custody since 19.10.2023.

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 S.D.J.M., Barh, District-Patna in connection with Athmalgola P.S. Case No. 149 of 2023.

(Sunil Kumar Panwar, J)

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