

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30912 of 2024

Arising Out of PS. Case No.-1365 Year-2022 Thana- PHULWARISHARIF District- Patna

Priyadarshi Kumar @ Darshan Kumar @ Darshan Yadav Son Of Late Arun Rai Resident of mohala near vishal mega mart police station kankarbag District patna, Permanent Addrss - Chaita, Dakshini, ward no. 6, Angar Ghat, P.s. - Angar Ghat, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Phulwari Sharif P.S. Case No. 1365 of 2022 instituted for the offences under Section 394 of the Indian Penal Code but, charge-sheet has been submitted under Sections 395, 397, 412, 413, 414 of the I.P.C. and Section 27 of the Arms Act.

3. As per prosecution case, four unknown miscreants have assaulted the Informant, abused him and, thereafter, on the point of pistol, looted cash to the tune of Rs. 27,000/- and also snatched Rs. 7,000/- along with his purse containing his driving license.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has surfaced in this case during investigation on the basis of disclosures made by the co-accused Vikash Kumar in his statement made under Section 161 Cr.P.C. In the entire investigation, nothing has come against the petitioner. Nothing incriminating has also been recovered from the conscious possession of the petitioner. The T.I. parade has not been conducted in this case and only there is circumstantial evidence against the petitioner. The petitioner has six criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 08.06.2023.

5. Learned counsel for the petitioner again submits that the co-accused namely Md. Nehal, Md. Ejaj Hasan, Md. Raushan, Md. Tanvir and Sahil Mansuri have been granted bail by this Court vide orders dated 04.12.2023 and 01.03.2024 passed in Cr. Misc. Nos. 76928 of 2023 and 12248 of 2024 respectively.

6. On the other hand, learned A.P.P. for the State has



vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the co-accused having been granted bail by this Court, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Phulwari Sharif P.S. Case No. 1365 of 2022.

(Rudra Prakash Mishra, J)

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