

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33845 of 2024

Arising Out of PS. Case No.-41 Year-2022 Thana- DALSINGHSARAI District- Samastipur

Mithilesh Kumar Son of Ranjit Choudhary @ Ranjeet Choudhary Resident of
Village- Dandari, P.S.- Dandari, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 26-07-2024 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Dalsingh Sarai P.S. Case No. 41 of 2022, dated 09.02.2022,
registered for the offence punishable under Section 392 of the
Indian Penal Code.

3. Mr. Mritunjay Kumar, learned counsel for the
petitioner submits that the alleged occurrence is said to have
taken place during the day time at 3:00 P.M., on 08.02.2022 and
as per allegation three accused persons riding on a motorcycle
looted Rs. 65,000/- and a Tab from the motorcycle of the
informant by pointing a country made pistol at him and out of
the accused two were apprehended at the spot but the petitioner
is not said to have been apprehended at the spot. It is further



submitted that the petitioner was remanded in the present matter four months after the occurrence and the basis for making him accused is the use of his SIM in the alleged looted Tab but the police failed to recover the Tab and mainly on the basis of said technical electronic evidence the petitioner has been made accused. It is further submitted that the petitioner was not put on test identification parade despite the alleged occurrence having taken place during the day time and the FIR shows that the accused were not having their faces covered at the time of offence. He further submits that against this petitioner there are criminal antecedent of three cases in which he is on bail and in the present matter the investigation has been completed against him and he has been languishing in jail since 22.12.2023.

4. Mr. Shyam Kumar Singh, learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Having regard to the above submissions and mainly taking into account the fact that the petitioner is not said to have been apprehended at the spot and he was remanded four months after the occurrence as per above submission and simply on the basis of the use of his SIM in the alleged looted Tab after the commission of the occurrence he was made accused but the



police failed to recover the looted Tab from his possession or house and also coupled with the completion of investigation against this petitioner, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with Dalsingh Sarai P.S. Case No. 41 of 2022 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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