

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34517 of 2024**

Arising Out of PS. Case No.-739 Year-2023 Thana- TAJPUR District- Samastipur

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Avinash Kumar Son of Birju Mallik Village- Dedaul Po- Mirapur, Ps- Sakara,
Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Barj Kishore Sharma, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 14-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Tajpur
P.S. case No. 739 of 2023 instituted for the offences under
Section 392 of the Indian Penal Code.

3. Prosecution case, in short, is that four accused
persons entered the house of the informant and looted
ornaments and cash amounting to Rs. 1,50,000/- by breaking the
godrej almirah at the point of pistol. It is further alleged that
they also looted three sets of mobile phone and Aadhaar Card.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of confessional statement of the co-accused Sujeet Kumar which has no evidentiary value in the eye of law. No incriminating/looted article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner has got no concern with the looted articles. The co-accused person has already been granted bail by this Bench vide order dated 01.05.2024 passed in Cr. Misc. No. 33177 of 2024. It has been submitted on behalf of the petitioner that the petitioner is in custody since 25.12.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Tajpur P.S. case No.
739 of 2023.

Alok Verma/-
(Rudra Prakash Mishra, J)

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