

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32305 of 2024

Arising Out of PS. Case No.-398 Year-2023 Thana- GORAUL District- Vaishali

Amit Kumar, Male, Aged about 27 years, S/o Vijay Rai, R/o Village-Sondho
Dullah, P.S. Goraul, Distt. Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Goraul
(Kathara O.P.) P.S. Case No. 398 of 2023 instituted for the
offences punishable under Sections 395 and 397 of the Indian
Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that on 19.09.2023
at 7.30 P.M. the informant was sitting at his grocery shop and at
that time all of a sudden 6 miscreants borne on two motorcycles
of without number plate came and four miscreants entered into
his shop and two miscreants were standing outside the counter.
They put revolver in the temple of the informant and they looted
away about of 20,000/- from the cash box and Rs. 80,000/-



which kept in bag and some documents and started fleeing away. The neighbor Mantu Shrivastava tried to chase the miscreants but the miscreants fired on him, which hit on his right shoulder and he became injured. All the miscreants fled away by making firing in air.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Petitioner is not named in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. His name transpired from the confessional statement of co-accused persons before the police which has no evidentiary value in the eye of law. Other co-accused persons have already been granted bail by this Court vide order dated 18.04.2024 passed in Cr. Misc. 13426 of 2024, Cr. Misc. No. 14373 of 2024 and Cr. Misc. No. 15274 of 2024. Moreover, petitioner is languishing in judicial custody since 24.09.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. On perusal of the F.I.R. and impugned order dated 23.03.2024., it appears that informant lodged F.I.R. against unknown persons and name of the petitioner surfaced from the



confessional statement of co-accused Sunny Kumar and Rajesh Raushan @ Raja. Petitioner was not put on T.I.P. during investigation.

7. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner be released on bail *after commitment of the case, if not committed* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Vaishali at Hajipur in connection with Goraul (Kathara O.P.) P.S. Case No.402 of 2023.

(Ramesh Chand Malviya, J)

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