

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33532 of 2024

Arising Out of PS. Case No.-305 Year-2023 Thana- SOHSARAI District- Nalanda

Mirtunjay Kumar @ Radhe, aged about 30 years, Gender-Male, Son of Mukesh Prasad @ Mukesh Kumar, Resident of Village - Maraaura, P.S.- Bihar, District - Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : M/S. Alexander Ashok and Mr. Jawed Akhtar,
Advocates

For the Opposite Party : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 09-05-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Sohsarai P.S. Case No. 305 of 2023 dated 30.10.2023 registered for the offence punishable under Section 395 of the I.P.C.

3. As per the prosecution case, on 30.10.2021 at 1.05 P.M., the informant was at his shop, suddenly, a boy came there and demanded money and pointed pistol on his chest. In the meantime, four boys came there armed with weapons and pointed pistol on the labourers and told to keep silence and took out Rs. 25,000/- in cash from the cash box, gold kada, two pieces of gold ring, gold chain from his neck, three mobiles and



D.V.R. of Camera and started to go then one of them told Vikash to take his Bullet. Thereafter they fled away from there with two Pulsar Motorcycles.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. His name has sprung up in the present case on the basis of the confessional statement of the co-accused Sonu Kumar. No incriminating article has been recovered from possession of the petitioner. The petitioner was not identified by the informant in the T.I. Parade. The petitioner has two criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 03.11.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Nalanda at Bihar Sharif in connection with Sohsarai P.S. Case No. 305 of 2023 with further condition:-



(i) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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