

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38464 of 2024

Arising Out of PS. Case No.-65 Year-2023 Thana- BEN P.S. District- Nalanda

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Bhushan @ Bhola Son of Bhagwat Yadav R/o Vil.- Laliyari, P.S.- Mahakar,
Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

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

ORAL ORDER

2 16-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Ben
P.S. Case No. 65 of 2023 instituted for the offences under
Section 395 of the Indian Penal Code.

3. As per prosecution case, on the pretext of some
urgent work 5-6 unknown persons boarded on the Scorpio of
informant. As soon as, they reached government building,
Nohasa, informant and driver were pushed and accused persons
snatched Rs. 20,000/-, mobile phones and fled away.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Petitioner is not named in the FIR and the same has been lodged against unknown persons. The name of the petitioner has come into light on the basis of confessional statement of co-accused person, which has got no evidentiary value in the eyes of law. The petitioner has got no concern with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has not been put on Test Identification Parade to ascertain his participation in the alleged occurrence. Charge-sheet has been submitted in this case. Moreover, it is submitted that the other co-accused has already been granted bail by this Court vide order dated 13.02.2024 passed in Cr. Misc. No. 79055 of 2023. The petitioner is in custody since 02.02.2024 and has one 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 facts and circumstances of the case as well as 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 Ben P.S. Case No. 65
of 2023.

(Rudra Prakash Mishra, J)

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