

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38811 of 2024

Arising Out of PS. Case No.-1365 Year-2022 Thana- PHULWARISHARIF District- Patna

Jivan Kumar @ Jeevan Kumar Son Of Arvind Tanti Resident Of Sonapur Dih,
P.S. - Nayagav, District - Begusarai, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Kumar Tripathi, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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

ORAL ORDER

3 21-06-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Phulwari Sharif P.S. Case No. 1365 of 2022 instituted for the
offences under Section 394 of the Indian Penal Code but,
charge-sheet has been submitted under Sections 395, 397, 412,
413, 414 of the I.P.C. and Section 27 of the Arms Act.

3. As per prosecution case, four unknown miscreants
have assaulted the Informant, abused him and, thereafter, on the
point of pistol, looted cash to the tune of Rs. 27,000/- and also
snatched Rs. 7,000/- along with his purse containing his driving
license.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has surfaced in this case during investigation on the basis of disclosures made by the co-accused. In the entire investigation, nothing has come against the petitioner. Nothing incriminating has also been recovered from the conscious possession of the petitioner. The T.I. parade has not been conducted in this case and only there is circumstantial evidence against the petitioner. The petitioner has five criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 08.06.2023. Other co-accused has been granted bail by this Court vide order dated 19-04-2024, passed in Cr. Misc. No. 30912 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the co-accused having been granted bail by this Court, let the petitioner, abovenamed, 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 Phulwari Sharif P.S.
Case No. 1365 of 2022.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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