

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53354 of 2024

Arising Out of PS. Case No.-79 Year-2019 Thana- MEDNI CHAUKI District- Lakhisarai

Genda Swami @ Geeta Saw, Son of Late Kare Saw, R/o-Village- Bansgardha,
P.S.- Mednichouki, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
		Mr. Santosh Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 06-09-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.17 of 2020, arising out of Mednichawki P.S. Case no. 79 of 2019 registered under sections 395 and 397 of the Indian Penal Code to which section 412 of the Indian Penal Code was added subsequently.

3. As per the prosecution case, two persons on the point of a pistol tied up the informant and members of his family and looted various articles including ornaments, mobile phones and bank documents etc. The informant claims that he can identify the accused persons on seeing him.

4. Learned counsel for the petitioner submits that the F.I.R. was registered against unknown. The petitioner has been



falsely implicated in course of investigation in the confessional statement of co-accused Krishnandan Kumar which would be evident from the order of the learned trial Court. The said Krishnandan Kumar has been enlarged on bail vide order dated 28.7.2021 passed in Cr. Misc. no. 24922 of 2021. No incriminating article has been recovered from the petitioner's possession who is in custody since 7.11.2023 and charge-sheet has been submitted in the case. The petitioner has no criminal antecedent.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the order of the learned trial Court from which it transpires that the name of the petitioner transpired in course of investigation in the confessional statement of co-accused Krishnandan Kumar who has himself been enlarged on bail vide order 28.7.2021 (Annexure-2) together with the petitioner having remained in custody for 10 months since 7.11.2023, charge-sheet having been submitted in the case and the petitioner not having any criminal antecedent, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no.17 of 2020 (arising out



of Mednichawki P.S. Case no. 79 of 2019) on furnishing bail
bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties
of the like amount each to the satisfaction of the learned
Additional District and Sessions Judge-II, Lakhisarai.

(Partha Sarthy, J)

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