

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57283 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- HATHUA District- Gopalganj

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Bittu Kumar Baitha Son Of Ravindra Kumar Baitha R/V- Village- Sabreji,
P.S.- Mirganj, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Hathua
P.S. Case No. 02 of 2024 instituted for the offences punishable
under Section 392 of the Indian Penal Code.

3. As per the prosecution case, three unknown persons
who at gun point looted Rs. 50,735/-, samsung company tablet
and mobile from the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case only on the basis of
suspicion. He further submits that the petitioner has neither
arrested at the spot nor anything has been recovered from his
conscious possession. There is no any eye witness of the
occurrence. The petitioner has been made accused only on the
basis of confessional statement of Bittu Baitha. Petitioner has



not put on Test Identification Parade. He next submits that co-accused has already granted bail by this Court *vide* order dated 26.04.2024 passed in Cr. Misc. No. 26165 of 2024. Petitioner has got no criminal antecedent as stated in para 3 of the bail petition he is in custody since 15.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned VIth Additional Sessions Judge, Gopalganj dated 16.02.2024, it appears that the seized articles have been recovered from the co-accused Guddu Baitha. The name of the petitioner has been surfaced only on the basis of confessional statement of co-accused and there is no any independent witness of the seizure list, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned 1st Additional Sessions Judge, Gopalganj in connection with Hathua P.S. Case No. 02 of 2024.

(Ramesh Chand Malviya, J)

Mayank/-

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