

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76535 of 2023

Arising Out of PS. Case No.-164 Year-2023 Thana- JANDAHA District- Vaishali

Roshan Kumar S/o- Upendra Sahani R/O Village- Chandsaray , P.S.- Mahua,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kshem Sharma
		Mr. Dr. Manoj Kumar
For the Opposite Party/s	:	Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 395, 397 and 506 of the Indian Penal Code and Sections 25(1-b)a and 27 of the Arms Act but charge sheet has been submitted under Sections 395, 397 and 412 of the IPC and Sections 25(1-b)a and 27 of the Arms Act.

3. As per FIR, the allegation against unknown miscreants is that they boarded on two motorcycles came and one of them assaulted from the butt of the pistol to one Amresh Kumar due to which he sustained injury on his head. It is further alleged that miscreants after snatching cash of Rs. 27,000/-,



ATM card, Pan Card and motorcycles from the informant and fled from there after firing in the air.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is not named in FIR rather his name came into light in this case on the basis of confessional statement of co-accused Muskan Kumar before the police which has got no evidentiary value in the eye of law. He has not been put on TI parade as yet. It is further submitted that so far as the recovery of one mobile phone from the possession of this petitioner is concerned which is said to be looted one but the same is under the orbit of doubt. Except that , nothing consistent material has come against the petitioner. Similarly situated other co-accused persons have already been granted bail by this Court and another co-ordinate Bench of this Court vide order dated 22.02.2024 in Cr. Misc. No. 11186 of 2024 and order dated 28.11.2023 in Cr. Misc. No. 73149 of 2023. Moreover, the petitioner is languishing in judicial custody since 08.06.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and



considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Jandaha P.S. Case No. 164 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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