

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81202 of 2024

Arising Out of PS. Case No.-68 Year-2024 Thana- KHUTAUNA District- Madhubani

Devendra Sah @ Devendra Kumar Sahu @ Devendra Kumar Sah S/o Kailash
Sah R/o Village- Kalapatti, Barhi, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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

ORAL ORDER

2 22-11-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Khutauna P.S. Case No.
68 of 2024, instituted for the offences punishable under Section
379 of the Indian Penal Code.

3. The prosecution case, in short, is that, the informant
placed the bag containing mobile mobile and Aadhaar Card on
the seat of motorcycle and parked the same next to the road. In
the meantime, four persons came from behind and took away
the motorcycle of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from



the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused Neeraj Kumar and the same has got no evidentiary value. It is further submitted that no recovery of stolen articles have been made from the possession of the petitioner. Except the confessional statement, there is no material against the petitioner implicating him in the present case. The petitioner has been remanded in this case on 02.09.2024 and has got two criminal antecedents. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 22.10.2024 passed in Cr. Misc. No. 74844 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Khutauna P.S. Case
No. 68 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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