

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85356 of 2023

Arising Out of PS. Case No.-575 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

Raju Mahto Son Of Kishan Mahto Resident Of Village - Nirala Nagar, Ward
No.21, P.S. - Town (Ratanpur O.P.), District - Begusarai (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar Kashyap

For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 457 and 380 of the Indian Penal Code.

3. As per allegation in the FIR, on 31.08.2023 the informant went to Delhi and he handed over the security to his guard Praveen Sah who reside in his house in the night. On 05.09.2023 in the morning house maid of the informant informed on his mobile that main gate is open and hand and leg of Praveen Sah is tied with cloth upon which he reached at his house and found that sakal of one room and lock of Almira were broken and all costly articles and necessary documents kept in Almira were missing.



4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. The petitioner is not named in the F.I.R. His name has been dragged in this case only on the basis of confessional statement of F.I.R. named co-accused Praveen Sah which has no evidentiary value in the eye of law. Apart from the disclosure of name in confessional statement, there is no consistent evidence against the petitioner to show his complicity in the alleged occurrence. Both the seizure list witnesses are police personnel in this case which is complete violation of Section 100 of Cr.P.C. From perusal of the impugned order, it appears that the police has also remanded the wife of the petitioner Pinku Devi, who has already been enlarged on bail by learned court below on 12.09.2023 whereas police has shown recovery from Pinku Devi. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody since 06.09.2023.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner



on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Begusarai in connection with Town (Ratanpur O.P.) P.S. Case No.575 of 2023.

(Sunil Kumar Panwar, J)

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