

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4373 of 2024

Arising Out of PS. Case No.-172 Year-2022 Thana- BHAPTIAHI District- Supaul

Ashish Kumar @ Ashish Kumar Mehta, Son of Sanjay Mehta, resident of
Village- Besa, Police Station- Bhaptiyahi, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun, Advocate
		Mr. Thakur Brajesh Singh, Advocate
		Mr. Md. Anwar, Advocate
		Ms. Kanika, Advocate
For the Opposite Party/s	:	Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 31-01-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Bhaptiyahi P.S. Case no. 172 of 2022, registered under sections 392, 342 and 34 of the Indian Penal Code to which sections 395 and 412 of the Indian Penal Code were added subsequently.

3. As per the prosecution case, the informant states that his vehicle was overtaken by a pickup vehicle and his vehicle was forced to stop. Two accused persons from the pickup vehicle got down, assaulted the informant and his *khalasi* and looted and dispossessed him from his vehicle/truck. As such the FIR.



4. Learned counsel for the petitioner submits that the FIR was registered against unknown. Referring to the order of the learned trial Court it is submitted that the name of the petitioner transpired in the confessional statement of co-accused Randhir Kumar. No incriminating article has been recovered from the petitioner's possession. Further referring to the order of the learned trial Court it is submitted that the incriminating article has been recovered from the possession of co-accused Bablu Choudhary. The petitioner is in custody since 8.8.2023 and has no criminal antecedent. Charge-sheet has been submitted in the case.

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 nature of allegation in the FIR together with the material that has transpired in course of investigation which is evident from the order of the learned trial Court, no incriminating article having been recovered from the petitioner's possession who is in custody since 8.8.2023 and not having any criminal antecedent, the petitioner is directed to be enlarged on bail in connection with Bhaptiyahi P.S. Case no.172 of 2022, 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 Chief Judicial Magistrate, Supaul.

(Partha Sarthy, J)

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