

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10398 of 2025

Arising Out of PS. Case No.-38 Year-2023 Thana- MIRGANJ District- Gopalganj

Manish Yadav Son of Kishori Yadav R/O- Village- Amtha Bhuwan, P.S.-
Uchakagwa, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Raj, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 12-05-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner is in custody in a case registered for the
offence under Section 394 of the Indian Penal Code.

3. As per the allegation in the FIR, three unknown
miscreants riding on a motorcycle came and on pistol point,
took away the motorcycle of the informant. It is further alleged
that they also gave a knife blow to the informant but he anyhow
saved himself.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. He further submits that petitioner is not named in the FIR
and name of the petitioner has been transpired from the



confessional statement of the co-accused, namely, Aditya Kumar. He further submits that similarly situated co-accused person, namely, Ritesh Kumar also granted bail by a co-ordinate Bench of this Court vide order dated 30.08.2023 passed in Cr. Miscellaneous No.55481 of 2023. He next submits that investigation has already been concluded and chargesheet has been submitted but no TIP has been conducted by the police during the investigation. He further submits that petitioner has got five criminal antecedents and he is in custody since 05.04.2024.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. On perusal of the First Information Report, case diary and impugned order dated 08.01.2025, it appears that nothing has been recovered from the conscious possession of the petitioner and petitioner is not named in the FIR name of the petitioner has been transpired from the confessional statement of the co-accused, namely, Aditya Kumar Yadav and also the fact that similarly situated co-accused person, namely, Ritesh Kumar also granted bail by a co-ordinate Bench of this Court vide order dated 30.08.2023 passed in Cr. Miscellaneous No.55481 of 2023. So, considering the aforesaid facts and circumstances of



the case, submission of learned counsel for the petitioner, let the above named petitioner be released on bail, on his furnishing bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Chief Judicial Magistrate, Gopalganj in connection with Mirganj P.S. Case No.38 of 2023.

(Ramesh Chand Malviya, J)

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