

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10834 of 2025

Arising Out of PS. Case No.-236 Year-2024 Thana- PATEPUR District- Vaishali

Mithun Sahni, aged about 23 years, Male, Son of Mahesh Sahni, Resident of Village - Sahpur Khurd, P.S.- Goraul (Kathara O.P.), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Patepur P.S. Case No. 236 of 2024 instituted for the offences punishable under Sections 309(4) of the B.N.N.S.

3. As per the prosecution case, three unknown persons on a Apachi Motorcycle came at petrol pump and asked to full the motorcycle's tank, on the point of pistol, looted the money and mobile of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR and his name transpires in this only on the basis of confessional statement of co-accused Vijay



Kumar. He next submits that the petitioner has not put on Test Identification Parade till date. He lastly submits that nothing incriminating articles has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 18.10.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the case diary, FIR and impugned order of the learned Additional District and Sessions Judge-X, Vaishali at Hajipur dated 21.01.2025, it appears that petitioner is not named in the FIR. From perusal of the records, it appears that on the basis of written report of the informant Manish Kumar, FIR has been lodged under Sections 309(4) of the B.N.N.S against three unknown persons. The name of the petitioner has been transpired in this case only on the basis of confessional statement of co-accused Vijay Kumar. There is no any recovery from the conscious possession of the petitioner. Investigation has already been completed and chargesheet has already been submitted as stated by learned counsel for the petitioner and there is no Test Identification Parade conducted till date, so considering all aspects of the matter, I am inclined to grant bail of the petitioner.

7. Accordingly the prayer for bail of the petitioner is



allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XIII, Vaishali at Hajipur in connection with Patepur P.S. Case No. 236 of 2024.

(Ramesh Chand Malviya, J)

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