

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8691 of 2015

Arising Out of PS.Case No. -570 Year- 2014 Thana -KADAMKUAN District- PATNA

1. Md. Tinku S/o Md. Islam Resident of Mohalla Noon Ke Chauraha, P.S.
Khajekalan, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Pandey

For the Opposite Party/s : Mr. Anita Kri.Singh(App)

CORAM: HON'BLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 10-04-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Kadamkuan
P.S. Case No. 570 of 2014 registered for the offences punishable
under Sections 401/2011 of the Indian Penal Code.

Allegedly during patrolling duty at about 3 A.M. near
Rajendra Nagar Golambar the petitioner and co-accused Raza
were caught and after search, from possession of the petitioner two
pieces of iron rod and one mobile of Samsung Company was
recovered and from possession of co-accused also a mobile was
recovered and further on the basis of their confession the house of
the petitioner was raided and from there also four mobiles were

seized whereas, from the house of co-accused Raza, three mobiles were recovered and seized and from the house of Md. Sohail also three mobiles were recovered and seized.

Submission is that the petitioner has been made victim of the circumstances. The alleged search and seizure are not in accordance with law. The alleged confession recorded at police station has got no evidentiary value in the eye of law and the petitioner is suffering in custody since 26.12.2014, having no criminal antecedent to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering the detention of the petitioner at this stage the above named petitioner, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned C.J.M., Patna arising out of Kadamkuan P.S. Case No. 570 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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