

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36312 of 2015

Arising Out of PS.Case No. -76 Year- 2015 Thana -PHULWARIA District- GOPALGANJ

1. Jai Prakash Bhagat Son of Late Ram Ashish Bhagat Resident of Village Jamuawa Police Station Gudhani, District Siwan. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mr. Rajesh Kumar(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 30-11-2015

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Fulwariya (Sripur O.P.) P.S. Case No. 76 of 2015 registered for the offences punishable under Section 379 of the Indian Penal Code.

Allegedly TATA Sumo bearing Registration No. BR 01 PD 6905 of the informant was stolen away by unknown thief with 250 liter mobil, cash of Rs. 5,500/-, SBI ATM Card and Indian Oil receipt which were kept in the vehicle and during investigation that Tata Sumo Vehicle was recovered which was parked outside the house of the petitioner and further the petitioner confessed his guilt.

Submission is of false implication and that the said vehicle has not been recovered from the house of the petitioner rather it was parked outside the house of the petitioner without the knowledge of the petitioner and nothing incriminating article has

been recovered from his possession. He has got no concern with co-accused, Arun Kumar Chaubey. Chargesheet has already been submitted and there is no chance of tampering with prosecution evidence and, as such, petitioner who is suffering in custody since 31.05.2015, deserves sympathetic consideration to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering that the chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, the petitioner above named 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 Chief Judicial Magistrate, Gopalganj arising out of Fulwariya (Sripur O.P.) P.S. Case No. 76 of 2015 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.

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(Jitendra Mohan Sharma, J)