

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37949 of 2015

Arising Out of PS.Case No. -427 Year- 2013 Thana -KATIHAR District- KATIHAR

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1. Mukesh Kumar @ Mukesh Kumar Chaudhary Son of Dina Nath Chaudhary Resident of village Gandhi Tola, Manihari, P.S. Manihari, District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Veena Rani Pd.(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-09-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in jail since 20.06.2015 in a case registered for offences punishable under Sections 395/307 of the Indian Penal Code.

The prosecution case is that the fardbeyan of informant, Sapan Karmakar was recorded by S.I., R.S. Yadav of Town P.S. on 21.08.2013 at 13.30 P. M. at Sapan Jewellery Amla Tola, Katihar, stating therein that on 21.08. 2013 at 12.30 informant along with his staff, Raju Dutta were sitting at his shop, in the meantime three persons (aged about 20-25 years) entered into his shop and ordered to show golden chains and one person pointed a revolver towards informant and rest persons took gold chains, gold



ring, silver ornaments and kept in their bags. Further case of the prosecution is that two unknown persons were standing at the gate of the shop. After collecting the ornaments, one person took his mobile and fled away on their motorcycle. The informant claims that he can identify the persons, if they are arrested. The criminals looted ornaments worth Rs. 12-13 lakhs.

Learned counsel for the petitioner has submitted that the petitioner has not been named in the F.I.R., nothing has been recovered from his possession. No Test Identification parade has yet been conducted by the I.O. and name of the petitioner has surfaced during investigation on the confessional statement of the co-accused, one Md. Murad, which has no evidentiary value of the eye of law.

It has further been submitted by the learned counsel for the petitioner that other co-accused namely, Md. Mubarak @ Md. Mubarak and Md. Murad have already been granted privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 9106/2015 dated 12.03.2015 and Cr. Misc. No. 30699 OF 2015 dated 13.08.2015, respectively.

In view of the facts and circumstances, let the petitioner, namely, Mukesh Kumar @ Mukesh Kumar be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with

two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Katihar P. S. Case No. 427/2013.

It may be noted that the petitioner is also implicated in another case i.e. Korha P.S. Case No. 285 of 2014 under Section 395 of the Indian Penal Code. If it is found that in future the petitioner is involved in occurrence of similar nature, learned Court below will be at liberty to cancel the bail bond of the petitioner.

(Nilu Agrawal, J)

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