

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45752 of 2014

Arising Out of PS.Case No. -79 Year- 2013 Thana -JAGDIHSPUR District- BHOJPUR

1. Binod Giri S/o Sri Mahadeo Giri Resident of Village - Barnaon Ke Dakhinwari, Mathiya, Post Banaon, P.S. - Ayar, District - Bhojpur at Ara. (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 18-02-2015 Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner seeks bail in a case for the offences punishable under section 379 of the I.P.C

Allegedly a truck loaded with Mahua woods was stolen away from Sheetal Chhaya Dhaba on NH 30 Road and accordingly FIR has been registered against unknown. After investigation name of the petitioner and others transpired on the basis of suspicion and further co-accused Rama Shankar Yadav has also confessed his guilt stating the name of the petitioner.

Submission is of false implication and that there is no legal and cogent evidence against the petitioner. Nothing has been

recovered from his conscious possession and only on the basis of suspicion raised by some witnesses and the confessional statement of co-accused he is suffering in custody since 31.07.2014 though Rama Shankar Yadav has already been allowed bail in whose confessional statement name of the petitioner has come vide Cr. Misc. No. 38004 of 2013 by order dated 03.10.2013, to which the learned A.P. P. is not in a position to distinguish the case of the petitioner.

In the facts and circumstances as stated above, considering detention of the petitioner he is directed to 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 C.J.M. Bhojpur, Ara in Jagdishpur P.S. Case No. 79 of 2013, subject to the conditions that one of the bailors must be a 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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