

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26275 of 2015

Arising Out of PS.Case No. -29 Year- 2015 Thana -SAHPUR District- PATNA

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1. Shambhu Kumar Yadav @ Shambhu Kumar @ Shambhu Yadav Son of
Baleshwar Yadav Resident of village - Dhanap, P.S. Jamoar, District -
Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Ram Sumiran Rai(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 08-10-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Shahpur P.S.
Case No. 29 of 2015 registered for the offence punishable under
Section 392 of the Indian Penal Code.

Allegedly, when the informant was returning to his
house by Alto Car and reached at Patna Bihta Road, 4 miscreants
on two motorcycles surrounded his Car and one person after
breaking the glass of the Car pointed revolver upon the informant
and snatched golden bangle from the hands of the informant's
wife and Rs. 1900/- from the pocket of the informant along with
Nokia Mobile bearing Sim No. 9801844662. In the meantime the

miscreants fled away and Police came.

Submission is of false implication and that in this case the first information report has been lodged under Section 392 IPC and chargesheet has been submitted only under Section 392 IPC as the alleged recovery has not been proved. Neither the petitioner nor the alleged articles have been put on test identification parade. Only on the basis of confessional statement, the petitioner is suffering in custody in this case.

Learned APP opposes the prayer of bail by submitting that from para 3 and 4 of the case diary it reveals that robbed articles have been recovered and further the petitioner has confessed his guilt vide para 8 of the case diary and he has got criminal antecedent also.

In the facts and circumstances stated above, considering that the petitioner has not been put on test identification parade and the alleged recovered article has also not been put on TIP and chargesheet has been submitted only under Section 392 of the Indian Penal Code, 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 Sri A. K. Thakur, J. M. Ist Class, Danapur in connection with Shahpur P.S. Case No. 29 of 2015, 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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