

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27785 of 2015

Arising Out of PS.Case No. -66 Year- 2015 Thana -ARWAL District- JEHANABAD

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Lakhan Singh @ Lakhan Kahar, aged about 60 years S/O Sri Ganauri Singh, resident of Village- Sikanderpur Dhowai, P.S. Mehandia, District- Arbal.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumari Jyoti

For the Opposite Party/s : Mr. Smt. Rita Verma (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 30-11-2015

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 sections 385 and 387 of the I.P.C and section 13 of Unlawful Activities (Prevention) Act, 1967.

Allegedly, the informant and other police personnel acting on a tip off proceeded to Arbal Sahar Road and found a poster affixed on wall relating to demand of extortion of Rs. 40,000/- from the owner of brick kiln and saw a person fleeing away but after chase the petitioner was apprehended and on search some posters relating to moist organization and a mobile were recovered from his possession.

Submission is of false implication and that nothing has been recovered from his possession and only on suspicion he has been apprehended. The police after adopting third degree

method has got recorded his confessional statement which has got no value in the eye of law and without any positive material he is suffering in custody since 02.04.2015. The petitioner has been made accused in other cases also wherein in one case he has been acquitted and in others he is on bail.

The learned A.P.P. opposes prayer for bail by submitting that he has confessed his guilt and he has got criminal antecedent.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and he by remaining in custody now has been sufficiently penalized and as such the petitioner 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. Jehanabad in Arbal P.S. Case No. 66 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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