

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25167 of 2015

Arising Out of PS.Case No. -3 Year- 2013 Thana -BANGAON District- SAHARSA

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1. Manish Chaudhary S/o Shatrughan Chaudhary Resident of Village Sahuriya, P.S. Saur Bazar, District Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vibhash Dubey S/o Late Sain Kumar Dubey Branch Manager, S.B.I. Bariyahi Bazar Branch, Resident of Village Bhikhampur Naya Tola, P.S. Ishakchak, District Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Verma
For the Opposite Party/s : Mr. D.P.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 07-10-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State as also learned counsel for the State Bank of India.

The petitioner seeks bail in a case registered for the offences punishable under Section 392 of the Indian Penal Code, but subsequently the same was converted into a case under Section 395 of the Indian Penal Code.

Allegedly, unknown four miscreants tried to commit robbery at the point of arms in the Bank and snatched mobile phones of the staff of the Bank.

Submission is of false implication and that the



petitioner is not named in the first information report nor any incriminating articles have been recovered from the possession of the petitioner. The petitioner was apprehended on suspicion on 04.03.2013 and was put on T.I. Parade on 06.03.2013, wherein the informant is said to have identified him as a person who was seen loitering in the Bank. It is further submitted that similarly situated co-accused Rajesh Choudhary alias Rajesh Kumar Choudhary and Suraj Kumar have already been allowed bail vide Cr. Misc. Nos.28415/2013 and 30583/2013 by orders dated 13.01.2014 and 02.09.2013 by other Benches of this Court and the case of the petitioner is similarly situated to that of Rajesh Choudhary, who was also identified in T.I. Parade and further co-accused Suraj Kumar has also got criminal antecedent.

Learned counsel for the Bank opposes the prayer for bail by submitting that the informant has identified the petitioner in T.I. Parade and he has also criminal antecedent.

In the facts and circumstances stated above, considering that the charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such considering the 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 learned

A.S.J., Saharsa in S.T. No.192 of 2013, arising out of Bangaon P.S. Case No. 03 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)

V.P.Sinha/-

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