

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15430 of 2015

Arising Out of PS.Case No. -50 Year- 2014 Thana -GURUA District- GAYA

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Lala Kumar Son of Narayan Mahto resident of Village- Naili, Police
Station- Magadh Medical, District- Gaya (Bihar)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Satyendra Nr. Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

03/ 22-06-2015

Heard learned counsels for the petitioner and
the State.

The petitioner is languishing in custody since
11.05.2014 in a case registered for the offences punishable under
Section 395 of the Indian Penal Code.

It is alleged that six persons on two
motorcycles came to the shop of the informant and robbed Rs.Two
lakhs Fifty thousand and two mobiles. Subsequently on chase
petitioner along with two other miscreants were apprehended on
the spot. From the petitioner one Splendor motorcycle and two
mobiles were recovered.

It is submitted by learned counsel for the
petitioner that the prosecution case does not inspire confidence as

if the petitioner was apprehended from the spot immediately after the occurrence but the petitioner was not named in the FIR whereas Shambhu Mahto and Karu Mahto were named in the FIR, hence, the same clouds the entire prosecution. Co-accused, who was apprehended along with the petitioner, namely Pramod Prasad from whom key of the motorcycle, one cartridge and mobile were recovered, has been granted bail vide Cr. Misc. No. 51277 of 2014.

Considering the above inconsistency, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Sherghati, Gaya in connection with Gurua P.S. Case No. 50 of 2014.

Since the petitioner is accused in two other cases of similar nature, the learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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