

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35974 of 2015

Arising Out of PS.Case No. -239 Year- 2015 Thana -ARARIA District- ARRARIA

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1. Munna Son of Regedan Yadav resident of Mohalla - Newalal Chawk
Near Power Grid, P.S. Maranga, District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. R.B.Roy Raman(App)

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

3 24-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case for the offences
punishable under Section 395 of the Indian Penal Code.

Allegedly, when the informant was coming back with Rs.
2 lacs, kept in the dickey of motorcycle he was intercepted by
miscreants and at the point of pistol miscreants took away the
amount kept in the dickey of motorcycle along with motorcycle
and went away towards Jalalgarh. However, due to alarm being
raised many people of the locality gathered and in the meanwhile
A.S.P. arrived there and miscreants were chased and the petitioner
was over powered and he confessed his guilt stating the name of
other co-accused, who has taken away the amount and further two

motorcycles were recovered.

Submission is of false implication, only due to suspicion, the petitioner was made victim of the circumstances, he has not confessed, there is no recovery from the conscious possession of the petitioner, the prosecution story appears to be not probable and reliable, the informant has alleged that the petitioner had pointed out the pistol but no fire arm has been recovered from his possession and as such the petitioner is suffering in custody since 20.05.2015 and deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioner was caught and overpowered after chase and he was identified by the informant and further the petitioner has got criminal antecedent.

In the facts and circumstances, as stated above, considering that the charge sheet has already been submitted, nothing has been recovered from the conscious possession of the petitioner and as such the petitioner, Munna, 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 C.J.M., Araria in Araria P.S. Case No. 239/2015, 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 also 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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