

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40661 of 2015

Arising Out of PS.Case No. -7 Year- 2015 Thana -KAKO District- JEHANABAD

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1. Amresh Sharma son of Late Ram Lakhan Singh resident of Village Shirpatpur, P.S. Makhdumpur, District Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Rajendra Pd.Nat(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 02-12-2015 Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner seeks bail in a case for the offence punishable under section 396 of the I.P.C

The petitioner is not named in the F.I.R and his name transpired during investigation and further he has been identified in test identification parade by injured Anjali Kumari.

Submission is of false implication and that in the F.I.R. three persons are named and the rest are unknown and there is specific allegation against Dhanju Sharma to have killed Lalita Devi and Monika Kumari and also to commit dacoity. Further, Anjali Kumari has also been injured by the same person but to save those F.I.R. named accused persons the petitioner has been



implicated though he was arrested and remanded in this case on 03.05.2015, whereas, test identification parade has been conducted on 17.04.2015 and during that period the petitioner was brought in the court, so the T.I.P. chart has got no legal sanctity. The petitioner was known to the informant which is evident from paragraph-27 of the case diary and if the petitioner was present he might have been identified by the informant and others. The petitioner is suffering in custody since 03.02.2015 and is involved in only two more cases which is mentioned in the supplementary affidavit and in both the cases he is on bail. Charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes prayer for bail by submitting that during test identification parade the injured Anjali kumari started weeping due to fear as is evident from the petition filed by the informant which is mentioned in paragraph-69 of the case diary.

In the facts and circumstances as stated above, considering that the petitioner is not named in the FIR and the test identification parade has been conducted after much delay 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 A.C.J.M. Jehanabad in Kako P.S. Case No. 07 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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