

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24812 of 2016

Arising out of PS.Case No. -15 Year- 2015 Thana -BEERPUR District- BEGUSARAI

Nilesh Kumar @ Fantun @ Aman @ Bhausia, Son of Late Jagannath Singh,
resident of village - Sonapur Bharath, P.S. Nayagaown, District –
Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sandip Kumar Gautam, Advocate.

For the Opposite Party : Mr. S.M. Rahman (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 08-08-2016 A supplementary affidavit has been filed on behalf of
the petitioner. The same may be kept on the record.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 22.04.2016
in connection with Birpur P.S. Case No. 15 of 2015 for the
offences instituted under Section 392 of the IPC.

The prosecution story, in brief, is that while the
informant was going on motorcycle to his sister village, two
accused persons on the point of pistol, took out the motorcycle,
cash Rs. 200/- and one Mobile phone and gave threatening to flee
away otherwise they will kill him. The informant has claimed that

he will identify the accused persons after again seeing them.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.04.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He is not named in the F.I.R. It is a case of single identification. There is no recovery of any incriminating article from conscious possession of the petitioner. The other accused has been granted bail vide Annexure-2 to the present application.

On behalf of the State it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned J.M. Ist Class, Begusarai, in connection with Birpur P.S. Case No. 15/2015.

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(Sudhir Singh, J)