

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2450 of 2016

Arising Out of PS.Case No. -40 Year- 2013 Thana -KANHAULI District- SITAMARHI

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Rakesh Das S/o Late Dukha Das Resident of village - Matiyar Khurd, P.S.
Sahiyar, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Alok Kr, Alok, Advocate

For the Opposite Party/s : Mr. Md.Arif(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 15-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Kanhauli
P.S. Case No. 40 of 2013 registered for the offences punishable
under Sections 395 and 397 of the Indian Penal Code and Section
27 of the Arms Act.

Allegedly, 15-20 unknown dacoits committed dacoity
in the house of the informant and took away cash of Rs. 2,50,000/-
, ornaments and other house hold articles. During investigation
name of the petitioner transpired in the statement of spy and other
witnesses that the petitioner and others were seen moving near the
place of occurrence and further the petitioner confessed his guilt.

Submission is of false implication, petitioner is not
named in the First Information Report, he is in custody since

28.03.2014 but he has not been put on TIP, the occurrence is of 06.07.2013 but after the statement of spy, on 09.07.2013 some of the witnesses stated the name of the petitioners which is not reliable and the alleged confessional statement has no evidentiary value in the eye of law, nothing has been recovered from conscious possession of the petitioner and, as such, he deserves sympathetic consideration to which the learned A.P.P. opposes by submitting that the petitioner has got criminal antecedent also.

In the facts and circumstances stated above, considering the detention of the petitioner now he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Sitamarhi in connection with Kanhauli P.S. Case No. 40 of 2013 subject to the conditions that one of the bailors must be 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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