

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4362 of 2016

Arising Out of PS.Case No. -204 Year- 2015 Thana -SOHSARAI District- NALANDA
(BIHARSHARIFF)

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1. Rakesh Kumar @ Bhola Yadav Son of Nageshwar Prasad resident of
village - Khidarchak, P.S. Rahui (Bhaganbigha), Distt. - Nalanda

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Advocate

For the Opposite Party/s : Mr. U.S.P Singh (App)

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

3 28-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Sohsarai
P.S. Case No. 204 of 2015 registered for the offence punishable
under Section 393 of the Indian Penal Code.

Allegedly, un-known thieves entered into the house of
the informant but as the family members woke-up and caught one
of the miscreants, they did not succeed in committing the theft.
One of the miscreants opened fire which hit the informant in his
chest and when younger brother Danish tried to catch him, he fled
away after leaving his pistol, other miscreants were giving *Lathi*
blow on father and sister of the informant.



Submission is of false implication and that the petitioner has been implicated only on the statement of spy and thereafter TIP was conducted but as per police report, Md. Danish did not identify anyone and witness Md. Muslim stated that due to weak eye-sight and evening, he cannot identify but later on Md. Muslim allegedly identified the petitioner which has got no reliability and, as such, the petitioner deserves sympathetic consideration to which the learned A.P.P. opposes by submitting that tower location of mobile of the petitioner was found near the place of occurrence and further the petitioner has also confessed his guilt.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner, above named, 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 C.J.M., Nalanda at Bihar Sharif in connection with Sohsarai P.S. Case No. 204 of 2015 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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