

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5602 of 2016

Arising Out of PS.Case No. -225 Year- 2015 Thana -CHAPRA MUFFASIL District- SARAN

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1. Vazir @ Vazir Nut, son of Late Lallan Nut, resident of Village- Hassanpura, P.S. Hassanpura, District- Saran..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Rana Randhir Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 31-03-2016 Heard learned counsel for the petitioner and learned APP for the Sate.

The petitioner seeks bail in connection with Chapra Muffasil P.S. Case No. 225 of 2015 registered for the offences punishable under Sections 395, 396, 397 of the Indian Penal Code.

The petitioner is not named in the first information report and during investigation on the basis of information furnished by the spy, the name of the petitioner and other co-accused transpired and thereafter, ten accused persons were caught when they were making plan to commit dacoity and in those ten accused the petitioner was not there and further after long lapse of time some of the witnesses have stated that at the time of committing dacoity the dacoits were taking the name of the petitioner and further co-accused Moharram Nut confessing his guilt also stated the name of the petitioner and others.

Submission is of false implication and that there is no legal and cogent material against the petitioner, he has not been put on test

identification parade, in this case similarly situated co-accused Mana Nut, Chhulu Nut, Dharmendra Nut and Dudhnath Nut have already been allowed bail and as such the petitioner also deserves sympathetic consideration to which the learned APP is not in a position to distinguish the case of the petitioner from those co-accused.

In the facts and circumstances stated above, 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 Chief Judicial Magistrate, Saran, Chapra in connection with Chapra Muffasil P.S. Case No. 225 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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