

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11263 of 2016

Arising Out of PS.Case No. -432 Year- 2015 Thana -MADHEPURA District- MADHEPURA

1. Babloo Kumar @ Babloo Yadav Son of Raj Kishore Yadav Resident of village - Godhaila, P.S. Madhepura (Bharrahi O.P.), District - Madhepura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Mr. Sahin Begum(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 29-04-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence punishable under section 394 of the I.P.C and section 27 of the Arms Act.

The First Information Report is registered against unknown with the allegation that four criminals on two motorcycles came, opened fire and thereafter injured the informant and snatched Rs. 80,000/- cash and mobile and further cash of Rs. 10,000/- from Arvind Yadav, the informant claims to identify the miscreants after seeing them.

During investigation the name of the petitioner transpires in the confessional statement of co-accused Tufani Yadav given in Madhepura P.S. Case No. 435 of 2015, besides

that no other legal and tangible material has come against the petitioner, the petitioner is in custody since 20.01.2016 but he has not been put on the test identification parade, nothing has been recovered from possession of the petitioner and as such he deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that without the test identification parade charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence 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 C.J.M. Madhepura in Madhepura (Bharrahi O.P.) P.S. Case No. 432 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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