

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9351 of 2016

Arising Out of PS.Case No. -40 Year- 2015 Thana -LAUKHI District- MADHUBANI

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Umesh Mehta S/o Mushharu mehta Resident of Village- Domuhan P.s
Nirmali District Supaul.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manish Kumar No 13, Advocate

For the Opposite Party : Mr. Shyam Kr. Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-02-2016

Heard learned counsel for the petitioner and the learned

APP for the State.

Petitioner is in judicial custody since 07.10.2015 in connection with Laukahi P.S.Case No.40 of 2015 corresponding to G.R.No.424 of 2015 for offences alleged under Sections 394/34 of the Indian Penal Code.

That the prosecution case in brief, is that one Akhlakur Rahman filed a written petition to the S.H.O. of Lauikahi P.S. on 26.03.2015 allegation therein that at about 7 P.M. in the evening informant was returning from his house from Madhubani and reached east from Narahia market and Petrol Pump and Madhuban line Hotel then one persons on a motor cycle without any number overtook him and then one motorcycle came from back where two criminals were seated on Motor cycle, and the criminals snatched his Motorcycle. In his motorcycle bag, ATM card Pass-book, Rs.2500/- cash driving licence etc was there and accused

persons took them and fled away.

It has been submitted by learned counsel for the petitioner that the petitioner is innocent and he is not named in the FIR and his name has falsely been implicated due to personal grudge and dirty politics and nothing has been recovered from the conscious possession of the petitioner nor has been put to test identification parade. It is only on the basis of confessional statement before the police which has no evidentiary value that the petitioner has been made accused.

On the other hand, the learned APP opposes the prayer for bail.

Since the petitioner is not named in the FIR and nothing has been recovered from the conscious possession of the petitioner, let the above named petitioner 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 learned ACJM, Jhanjharpur (Madhubani) in connection with Laukahi P.S.Case No.40 of 2015 corresponding to G.R.No.424 of 2015.

However, it is made clear that the petitioner will appear before the court below on the date fixed and failure to appear on two consecutive dates will be liable for cancellation of the bail bonds of the petitioner.

(Nilu Agrawal, J)

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