

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9587 of 2016

Arising Out of PS.Case No. -171 Year- 2015 Thana -NAYA RAM NAGAR District- MUNGER

1. Md. Mustakim Son of Late Md. Alam, Resident of Village Haji Subhor
Minat Nagar, Police Station - Kotwali, District - Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Opposite Party/s : Mr. Surendra Kumar (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is in custody since 20.11.2015 in connection with Naya Ramnagar P. S. Case No. 171 of 2015 registered for offences punishable under Section 394 of the Indian Penal Code. He was earlier arrested on 01.10.2015 in Kotwali P.S.Case No. 230 of 2015.

The prosecution case is that on the date of occurrence when informant was coming from Jamalpur rail factory and reached near the bridge (Surang) he saw two persons were urinating and one was standing there and asked him to stop motorcycle. When he stopped his motorcycle, all the three looted his motorcycle, mobile phone and Rs. 42,000.00, thereafter, all the

three miscreants fled away towards West side on riding his motorcycle.

It has been submitted by the learned counsel for the petitioner that he is innocent not having been subjected to T.I.P. and not named in the F.I.R. It is only on the basis of confessional statement before the police, which has no evidentiary value and not admissible in eye of law that the petitioner has been falsely implicated.

However, learned A.P.P. for the State submits that the petitioner has confessed his guilt and opposes the prayer for bail.

Be that as it may, the above named petitioner Md. Mustakim is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Naya Ram Nagar P.S. Case No. 171 of 2015 with following conditions:-

- i) One of the bailors will be the close relative of the petitioner.
- ii) The petitioner will not indulge in similar or in any other offence.

iii)The petitioner will be well represented in the Court.

iv)In case of absence for two consecutive dates or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the Court concerned.

(Nilu Agrawal, J)

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