

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18294 of 2016

Arising Out of PS.Case No. -199 Year- 2015 Thana -KASIMBAZAR District- MUNGER

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1. Pappu Choudhary S/o Late Mahadeo Choudhary, R/o Mohalla- Ambey Chowk, P.S.- Kotwali, District- Munger.... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 28-06-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Kasim Bazar P.S. Case No. 199 of 2015 registered for the offence punishable under Section 392 of the Indian Penal Code.

Allegedly, four unknown miscreants at the point of gun snatched Samsung mobile, cash of Rs. 300-400/-, Samsung Galaxy Tab, SIM and charger and further snatched Rs.4000-5000/- from purse. During investigation the name of the petitioner transpired and SIM which was recovered from the possession of co-accused Abhishek Kumar @ Billa was in the name of the petitioner and Abhishek Kumar @ Billa confessing his guilt stated the name of the petitioner.

Submission is of false implication, the petitioner is in custody since 06.03.2016 but he has not been put on T.I.P., nothing has been recovered from conscious possession of the

petitioner, the confessional statement of co-accused Abhishek Kumar @ Billa has got no evidentiary value in the eye of law, no looted article has been recovered from possession of the petitioner and he has got no criminal antecedent.

Learned A.P.P. opposes the prayer of bail by submitting that the SIM which was used in the looted mobile was in the name of the petitioner.

In the facts and circumstances stated above, considering that the chargesheet has already been submitted, nothing has been recovered from conscious possession of the petitioner and as such he 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, Munger, in connection with Kasim Bazar P.S. Case No. 199 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)

siddharth/Khusboo-

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