

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22014 of 2016

Arising Out of PS.Case No. -14 Year- 2016 Thana -PHULWARIA District- BEGUSARAI

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KUNAL KUMAR @ KULKUL s/o Ram Prakash Singh, resident of Village
Madhurapur Suraj Nagar (near Ambe Cinema Hall) P.S. Phulwaria, Distt.
Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Naresh Ray

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 04-07-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Phulwaria
P.S. Case No. 14 of 2016 registered for the offences punishable
under Section 394 of the Indian Penal Code.

Allegedly, four unknown miscreants committed
robbery in the shop of the informant at the point of pistol and took
away cash of Rs. 10,000/- and damaged the computer, electric
wire, board and switch and further opened fire. During
investigation, on the basis of CCTV footage the petitioner was
apprehended and from his possession one mobile of Samsung
company was recovered and he confessed his guilt.

Submission is of false implication and that no robbed



article has been recovered from possession of the petitioner, Samsung mobile recovered from the petitioner is not the robbed mobile as IMEI number does not tally, only on the basis that tower location of mobile of the petitioner was same as tower location of the informant, he has been implicated. In para 25 of the case diary the identification mentioned is doubtful, the petitioner is in custody since 12.02.2016 but he has not been put on TIP and, as such, he deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that petitioner was identified in the CCTV footage.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, 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 Judicial Magistrate, 1st Class, Begusarai in connection with Phulwaria P.S. Case No. 14 of 2016 subject to the conditions that one of the bailors must be 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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