

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22658 of 2016

Arising Out of PS.Case No. -27 Year- 2016 Thana -BHAGALPUR GRP CASE District-
BHAGALPUR

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1. Kanhaiya Sah Son of Ramdas Sah Resident of Village- Janidih PS
Kahalgaon, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Ajay Kumar-I(App)

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

ORAL ORDER

2 26-05-2016

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 offences punishable under sections 394, 307 and 411 of the I.P.C and section 27 of the Arms Act.

Allegedly, amount of Rs. 3,560/- and the identity card were pick pocketed and when the informant started asking the persons who was sitting besides him, he started assaulting by fists and slaps and when the sister of the informant tried to rescue she was also assaulted and one criminal took out pistol from his waist and made fire, however the police came and arrested two persons including the petitioner, whereas other miscreants succeeded in fleeing away and from possession of the petitioner amount of Rs. 1880/- , mobile and Topaz blade were recovered.

Submission is of false implication and that the petitioner is suffering in custody since 06.04.2016, he has got no criminal antecedent, he has been made victim of the circumstances and as such he deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail by pointing out the alleged recovery.

In the facts and circumstances as stated above, the petitioner shall be released on bail, **after completion of four months in custody from the date of his remand**, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Railway Judicial Magistrate, Bhagalpur in Bhagalpur Rail P.S. Case No. 27 of 2016/ G.R. No. 27 of 2016, 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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