

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24772 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -SAHARSA District- SAHARSA

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Phool Hasan @ Phoolo Hasan @ Phoolo Mian, son of Late Md. Sattar, resident of
Ward No. 38, Saharsa Basti, P.S.+ District-Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 07-06-2016

Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner seeks bail in Saharsa P.S. Case No. 17 of 2016
dated 07.01.2016 instituted under Sections 380 and 457 of the Indian Penal
Code.

The allegation against the petitioner is of participating in the
theft in the house of Navin Chandra Jha.

Learned counsel for the petitioner submits that he is not
named in the F.I.R. but later on, on the basis of the confessional statement
of co-accused Laltush Choudhary, he has been implicated and arrested on
07.02.2016. It is submitted that even the so-called recovery, which has been
shown by the police, pertains to only coins of Re. 1 denomination and a few
old mobile phones. It is submitted that besides the said being not indicative
of the stolen articles, the same have also not been put up for identification

either by the owner of the house or the informant. Learned counsel submits that the said co-accused Laltush Choudhary, who is said to have disclosed the name of the petitioner to be an accomplice, has been granted bail by the court below itself whereas the petitioner has been denied bail.

Learned A.P.P. opposes the prayer for bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in Saharsa P.S. Case No. 17 of 2016, subject to condition that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

Sujit/Ravi

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