

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47979 of 2015

Arising Out of PS.Case No. -4 Year- 2015 Thana -BALIGAON District- VAISHALI(HAJIPUR)

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Nagmani S/o Late Surendra Singh, Resident of village- Ratonpur, P.S.
Bhagwanpur, District- Vaishali

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Shyam Bihari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 14-01-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Baligaon P.S. Case No. 04 of 2015 registered for the offence punishable under Section 406/34 of the Indian Penal Code.

Allegedly, the petitioner being the driver of vehicle Tata ACE BR-31GA/2142 pick-up van being in collusion and conspiracy with Raju Rai and other made the vehicle traceless.

Submission is of false implication and that the petitioner has been made victim of the circumstance, there is no direct or indirect evidence against him, during investigation nothing has come. The said vehicle has not been recovered. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, petitioner who is suffering in custody since 14.08.2015, deserves

sympathetic consideration as he has got no criminal antecedent.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioner being the driver has taken away the vehicle on the plea that it was hired by Raju Rai and others.

In the facts and circumstances stated above, considering that charge-sheet 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, Vaishali at Hajipur arising out of Baligaon P.S. Case No. 04 of 2015 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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