

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48567 of 2015

Arising Out of PS.Case No. -94 Year- 2015 Thana -SULTANGANJ District- BHAGALPUR

1. Adhik Tanti Son of Sri Ram Charitar Tanti resident of village - Mustafapur, P.S. Suryagarha, District - Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abdul Wadood

For the Opposite Party/s : Mr. S.D.Singh Yadav (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 23-02-2016 Supplementary affidavit has been filed on behalf of the petitioner. Keep it on the record.

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 offence punishable under section 395 of the I.P.C

Allegedly, at the point of pistol 5-6 unknown miscreants entered into the office of Shivam Patrol Pump and snatched cash and one mobile of Shiv Shankar Paswan and fled away. During investigation the name of the petitioner transpires in the confessional statement of co-accused Pappu Tanti and further from footage of the C.C.T.V Camera installed in that Patrol Pump the petitioner was identified.



Submission is of false implication, the confessional statement of the co-accused has got no evidentiary value in the eye of law, from paragraph-7 of the case diary it reveals that the C.C.T.V. footage was shown and the face of the petitioner was not seen but from the back side the petitioner was identified by the witnesses which is not believable and further it has been wrongly stated that the family members of the petitioner identified the petitioner, during trial Shiv Shankar Paswan whose mobile was snatched has not identified the petitioner which is evident from the copy of his deposition and as such the petitioner who is suffering in custody since 11.06.2015 deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that the petitioner has not been put on the test identification parade, nothing has been recovered from his possession and further during trial P.W. 1 Shiv Shanker Paswan has not identified the petitioner and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. Bhagalpur in Sultanganj P.S. Case No. 94 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)

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