

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55281 of 2015

Arising Out of PS.Case No. -29 Year- 2012 Thana -PARAIYA District- GAYA

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1. Mukesh Mushar Son of Late Surendra Mushar Resident of Village -
Maharajadpur, P.S. Gurua, Distt. Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Madhura Nand Jha, (APP)

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

3 09-02-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor representing the State.

The petitioner seeks bail in connection with Paraiya
P.S. case No. 29/ 2012 registered for the offence punishable under
sections 396 of the Indian Penal Code.

Allegedly, when the informant along with his brother-
in-law was going on a motor cycle then 4-5 unknown miscreants
assaulted them and robbed the informant of his mobile and Rs.
3,000/- but the informant escaped from there and thereafter the
brother-in-law of the informant was taken to Medical College and
Hospital in injured condition where he succumbed to the injuries.
During the investigation one Pappu Paswan was caught with
looted mobile and he stated that the said mobile was given to him

by Rita Kumari and Rita Kumari stated that she has purchased the same from the petitioner and the petitioner stated that the said mobile was given to him by co-accused Satish Mushar and Satish Mushar has confessed his guilt also.

The submission is that Pappu Paswan, from whose possession the looted mobile was recovered, Satish Mushar, Harihar Yadav and Pramod Yadav all have been allowed bail by different Benches of this court, the petitioner is suffering in custody since 30.07.2012 and he has been sufficiently penalized, up till now no prosecution witness has been examined and in near future the trial is not likely to be concluded.

Learned A.P.P. fairly submits that other co-accused have been allowed bail.

In the facts and circumstances stated above, the petitioner, above named, is also 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 Additional Sessions Judge-V, Gaya in connection with Paraiya P.S. case No.- 29/ 2012, 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.



BKS/-

(Jitendra Mohan Sharma, J)

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