

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57410 of 2015

Arising Out of PS.Case No. -10 Year- 2013 Thana -MOHAMMADPUR District- GOPALGANJ

Sudish Nut Son of Late Terus Nut Resident of village - Ramchandrapur,
Police Station Mohammadpur, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. B.N. Pandey (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Mohammadpur P.S. Case No. 10 of 2013 registered for the offences punishable under Section 395 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly in the house of the informant at about 8.50 P.M. at 13.2.2013, dacoity was committed and some dacoits had covered their faces but from their voice it reveals that the petitioner was also involved in the said dacoity.

Submission is of false implication and that the petitioner has been made victim of the circumstance, the prosecution story appears not probable and reliable that from the



voice, the informant and other witnesses identified the petitioner, nothing has been recovered from possession of the petitioner or from his house, other co-accused Anil Sah has been allowed bail vide Cri. Misc. No. 33090 of 2013, the informant after knowing the reality has filed the compromise petition in the court below and this fact is mentioned in the impugned order and, as such, the petitioner who is suffering in custody since 20.11.2015, deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner is named in the F.I.R..

In the facts and circumstances stated above, considering that nothing has been recovered from possession of the petitioner and further only on the basis of his voice, he has been identified and, as such, he 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 Additional Chief Judicial Magistrate-I, Gopalganj in connection with Mohammadpur P.S. Case No. 10 of 2013 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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