

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31814 of 2016

Arising Out of PS.Case No. -340 Year- 2015 Thana -BUXAR MUFFSIL District- BUXAR

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Deepak Kushwaha @ Deepak Koyari Son of Dudhnath Koyari Resident of
village- Bijhaura, P.S.- Itadhi, District- Buxar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Hemant Kumar

For the Opposite Party : Mr. Sri Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 17-09-2016

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 394 of the I.P.C

Allegedly, three motorcycle borne criminals after
overtaking the motorcycle of Krishna Choudhary assaulted him
with knife causing injury to him and further the informant also
received injury and the miscreants fled away with Platina
motorcycle bearing no. BR44D-7888 and cash of Rs. 11,000/- The
informant claims to identify the miscreants after seeing them.
During investigation the said motorcycle was recovered from the
house of Shashikant Kamkar and it is alleged that the petitioner
has left the bike at his house on 18.01.2016 on the pretext of heavy
rain.

Submission is of false implication and that the

petitioner has been made victim of the circumstances, he has got no connection with Shashikant Kamkar, he has not been put on the test identification parade and without any legal and cogent material he is suffering in custody since 28.03.2016, the name of the petitioner surfaced in this case on the confessional statement of co-accused Baliram Mishra which has got no evidentiary value in the eye of law, the motorcycle has not recovered from conscious possession of the petitioner, 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 and nothing has been recovered from his conscious possession and as such he 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 C.J.M. Buxar in Buxar (Muffasil) P.S. Case No. 340 of 2015/ G.R. No. 3583 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)

Abhay/-

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