

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44511 of 2016

Arising Out of PS.Case No. -17 Year- 2015 Thana -SONBERSA District- SITAMARHI

- =====
1. Mukesh Kumar @ Mukka, son of late Chandeshwar Mahto
 2. Indal Kumar @ IndalMahto, son of late Chandeshwar Mahto. Both resident of village- Sonbarsa, P.S. - Sonbarsa, District- Sitamarhi.
- =====

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mrs. Anusuiya Jaiswal, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 24-11-2016 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners are languishing in custody in connection with Sonbarsa P.S. Case No. 17/15 for offences punishable under Sections 386, 387 of the Indian Penal Code.

The prosecution case, as lodged by the police, is that the petitioners along with other co-accused on the point of pistol took two mobile sets from one Mahesh Kumar and also demanded ransom of Rs. 1 lac.

It has been submitted by the learned counsel for the petitioners that they are innocent, nothing has been recovered from their possession, have committed no offence and have falsely been implicated due to village politics, not only in this case but

also in other cases, which have been lodged against them. He submits that the charge-sheet has already been submitted against them, hence, there is no question of tampering with the evidence. He further submits that petitioner no. 1 is in judicial custody since 25.02.2016 and petitioner no. 2 is in judicial custody since 01.04.2016.

However, learned APP for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

From the materials available, it appears that the petitioners' liberty on bail would not adversely affect their trial. Thus, in the interest of justice, and, considering the period of custody, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned I/C Addl. Chief Judicial Magistrate-1, Sitamarhi, in connection with Sonbarsa P.S. Case No.17/15.

This direction of bail is further subject to the condition that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and

shall appear before the learned Court below as and when directed.

With these observations and directions, this application stands allowed.

Rajesh/-

U		T	
---	--	---	--

(**Nilu Agrawal, J.**)