

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54615 of 2016

Arising Out of PS.Case No. -570 Year- 2015 Thana -NAWADA District- NAWADA

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1. Munna Dom, S/o Anil Dom, R/o Gopal Nagar, P.S.- Nawada, District- Nawada.
 2. Mukesh Dom, S/o Nandu Dom, R/S Mahdipur, P.S. - Warsaliganj, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rina Sinha, Advocate.

For the Opposite Party/s : Mr. Sri Surendra Prasad Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-12-016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Petitioner is languishing in judicial custody since 18.02.2016 in connection with Nawada Town P.S. Case No. 570 of 2015 registered for the offence punishable under Sections 461 and 379 of the Indian Penal Code.

The prosecution case as lodged by the informant is that on 27.08.2015 at about 08 P.M. in the night the informant had gone to his house after closing his Tractor show-room (Balajee Enterprises) situated at western side from Ranchi Road in the house of Surajdeo Prasad. On 28.08.2015 at about 7 A.M. in the morning owner of TVS show-room informed that the shutter of his



show-room has been broken and upon that information, the informant came to his show-room and found that in the preceeding night unknown thieves broke the shutter of his show-room and committed theft of Rs.1,65,000/- cash after breaking the lock of the counter as well as some signed cheques of customers and would inform later regarding theft of other articles after getting knowledge from the staff.

It has been submitted by learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case and is not named in the FIR. He submits that it is only on the confessional statement of another co-accused who was remanded in this case from Nawada Town P.S. Case No. 5 of 2016 that the name of the petitioner surfaced which has no evidentiary value in the eyes of law. He further submits that charge sheet has also been submitted hence there is no chance of tempering with the prosecution evidence. It has also been submitted another co-accused of similar allegation has since been granted privilege of bail by this Court in Cr. Misc. No. 51580 of 2016 on 05.12.2016.

However, learned A.P.P. for the State submits that petitioner is named in the FIR hence opposes the prayer for bail.

Be that as it may, considering the facts and



circumstances of the case and that charge sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate Nawada in connection with Nawada Town P.S. Case No. 570 of 2015 subject to the conditions that the petitioner will not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail..

In terms of the above observations and directions, this bail application stands allowed.

(Nilu Agrawal, J)

Prakash/-

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