

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51006 of 2016

Arising Out of PS.Case No. -163 Year- 2015 Thana -CHARIABARIYARPUR District-
BEGUSARAI

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Bikash Kumar, son of Uma Shankar Pathak, resident of Village Samsa, P.S.
Naokothi, District Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Pancha Nand Pandit, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-11-2016

Learned counsel for the petitioner is permitted to

make correction in paragraph 6 of this petition.

Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in custody since
23.08.2016 in connection with Cheria Bariyarpur P.S. Case No.
163/15 for offences punishable under Section 392 of the Indian
Penal Code.

The prosecution case, as lodged by the informant,
is that after withdrawing Rs. 88,000/- of Mahila Dugdha Samittee,
Shripur from the State Bank of India while he was returning home,
three persons from the motorcycle intercepted and snatched the
said amount along with his mobile bearing two SIMs.

It has been submitted by the learned counsel for



the petitioner that he is innocent and has falsely been implicated in the aforesaid case. He submits that on the confessional statement of a co-accused Rajesh Kumar, his name surfaced, which has no evidentiary value in the eye of law. He further submits that no Test Identification Parade has been done so far and charge-sheet has already been submitted, hence, there is no chance of tampering with the evidence.

However, learned APP for the State submits that although the petitioner is not named in the First Information Report, but during investigation his name surfaced, hence, opposes the prayer for bail.

Considering the materials available, it does not reveal that the petitioner's liberty on bail would adversely affect his trial, hence, in the interest of justice, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Manjhaul, Begusarai, in connection with Cheria Bariarpur P.S. Case No. 163/15.

This direction of bail is further subject to the condition that the petitioner 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.

(Nilu Agrawal, J.)

Rajesh/-

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