

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50538 of 2016

Arising Out of PS.Case No. -125 Year- 2016 Thana -BHAGWANPUR District- BHABHUA
(KAIMUR)

Chhotelal Bind Son of Lalmuni Bind Resident of Village-Mamhan, P.S.-
Bhabua District-Kaimur at Bhabua

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-11-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
17.08.2016 in connection with Bhagwanpur P.S. Case No. 125 of
2016 registered for the offence punishable under Section 395 of
the Indian Penal Code.

The prosecution case is that on 05.08.2016 in the
evening while informant along with one another person was going
on his motorcycle to his village from Bhabua, unknown criminals
stopped him and snatched his motorcycle, ATM card and mobile
phone. They also snatched ATM card and mobile phone from the
person accompanying the informant.

It has been submitted by the learned counsel for the



petitioner that neither the petitioner is named in the First Information Report nor Test Identification Parade has been conducted as yet. He further submits that nothing incriminating has been recovered from the possession of the petitioner and it is only on the basis of confessional statement of the petitioner that he has been made accused. He further submits that it is only on the basis of old cases in which he is already on bail that the petitioner has been falsely implicated.

However, learned A.P.P. for the State submits that although the petitioner is not named in the First Information Report, but on his confessional statement, he has been made accused, hence, opposes the prayer for bail.

Be that as it may, since perusal of the record and materials indicates 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, Kaimur at Bhabua in connection with Bhagwanpur P.S. Case No. 125 of 2016.

However, it is made clear that petitioner shall 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 and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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