

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47877 of 2016

Arising Out of PS.Case No. -29 Year- 2016 Thana -PATNA GRP CASE District- PATNA

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Jwalla Kumar, Son of Mahesh Singh, Resident of village- Alipur, P.S.-
Salimpur District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Smt. Suman Kumari Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-12-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since
13.06.2016 in connection with G.R.P. Bakhtiyarpur P.S. Case
No. 29/16 for offences punishable under Section 397 of the
Indian Penal Code.

The prosecution case, as lodged by the
Havildar, is that passengers of Capital Express were looted by
some miscreants near Karauta railway station, but due to
alertness of escort party, all looted articles were recovered.

It has been submitted by the learned counsel
for the petitioner that he is innocent, F.I.R. has been lodged
against unknown and it is on the confessional statement of the



co-accused Amar Kumar and also his confessional statement that the petitioner has been made accused. It is submitted that petitioner has not been identified in Test Identification Parade by any of the witnesses and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the petitioner confessed his guilt before the police, hence, opposes the prayer for bail.

Be that as it may, considering the facts and circumstances and the submission of the parties and that charge-sheet has already been submitted, 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 Railway Judicial Magistrate, Patna in connection with Bakhtiyarpur G.R.P. P.S. Case No. 29/16.

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, the application stands allowed.

(Nilu Agrawal, J.)

Rajesh/-

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