

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38184 of 2016

Arising Out of PS.Case No. -39 Year- 2016 Thana -BHAGALPUR GRP CASE District-
BHAGALPUR

Malik Kumar @ Malik Mandal, Son of Sri Sunil Roy @ Sunil Mandal,
Resident of Mohalla - Bhikhanpur Gumti No. 1, Police Station Ishakchak,
District Bhagalpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Rakesh Kumar Sinha, Advocate
For the Opposite Party : Mr. Sri Gauri Shankar Gupta (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 27-09-2016 Heard learned counsel for the petitioner and the learned
counsel representing the State.

The petitioner seeks bail in connection with G.R.P. (Rail
Bhagalpur) P.S Case No. 39 of 2016 registered for the offences
punishable under Sections 401, 414 of the Indian Penal Code.

Allegedly, the petitioner and co-accused Banti Ansari
were caught in suspicious condition and after search, from possession
of the petitioner mobile, two small steel scissors and one *chilam* for
smoking *ganja* and cash of Rs. 3,00/- were recovered from possession
of the petitioner whereas from possession of the co-accused also
incriminating articles were recovered and then stated that the mobiles
are of pick pocketing.

Submission is of false implication and that there is no

theft report of those recovered articles. The petitioner has been made victim of the circumstances, nothing has been recovered from the conscious possession of the petitioner and by remaining in custody since 08.05.2016 has been sufficiently penalized, to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering the detention of the petitioner further the chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Railway Judicial Magistrate, Bhagalpur, arising out of G.R.P. Case No. 39 of 2016, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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