

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51508 of 2016

Arising Out of PS.Case No. -413 Year- 2016 Thana -KANTI District- MUZAFFARPUR

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Bablu Sah @ Raj Kumar Son of Lakshman Sah, Resident of village -
Harpur Silaut, Police Station - Samastipur Muffasil, District - Samastipur.

..... Petitioner/s

Versus

The State of Bihar.

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
12.09.2016 in connection with Kanti P.S. Case No. 413 of 2016
registered for the offence punishable under Sections 392 and 412
of the Indian Penal Code.

The prosecution case is that the informant along with
his truck carrying chura was going to Gwalior from West Bengal
and while reached near the over bridge at Muzaffarpur on
30/31.08.2016 at 12:30 hours, a D.M.O. truck intercepted and four
persons entered into his truck and tied him and others and started



the truck. After travelling some distance, accused persons got the driver and Khalasi down and tied them with a tree and fled away with the truck. Petitioner informed the owner and police about the occurrence and alleged that Munmun Singh and his accomplice have committed the crime.

It has been submitted by the learned counsel for the petitioner that he is innocent, has been falsely implicated and nothing has been seized from his conscious possession. He submits that the stolen chura and the truck was recovered from the godown of Munmun Singh and the petitioner is not named in the First Information Report and it is only on the confessional statement of one Vikash Kumar that his name surfaced, which has no evidentiary value in the eye of law. He further submits that no Test Identification Parade has been conducted so far.

However, learned A.P.P. for the State submits that although the petitioner is not named in the First Information Report, but during investigation his name surfaced on the basis of confessional statement of a co-accused, hence, opposes the prayer for bail.

Be that as it may, since nothing has been recovered from the conscious possession of the petitioner and he is not named in the First Information Report, 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 Sub-Divisional Judicial Magistrate, West Muzaffarpur in connection with Kanti P.S. Case No. 413 of 2016.

This direction for bail is subject to the condition 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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