

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50770 of 2016

Arising Out of PS.Case No. -54 Year- 2015 Thana -DEO District- AURANGABAD

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Arun Kumar @ Arun Kumar Sharma @ R.D.X (Barood), son of Mahendra Sharma, resident of village-Sanda Mela, P.S. Kuttumba, District-Aurangabad(Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Smt. Leelawati Kumari, Advocate

For the Opposite Party : Mr. Murlidhar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-11-2016 Heard the learned counsel for the petitioner and the learned APP for the State.

Petitioner is languishing in custody since 27.06.2016 in connection with Deo P.S.Case No.54 of 2015 for offence alleged under Section 392 of the IPC.

The prosecution case is that the informant after drawing Rs.37,000/- from the bank on the way he was intercepted by three persons who snatched the said cash on pistol point.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has falsely been implicated in the aforesaid case. He further submits that the petitioner is not named in the FIR and on the confessional statement of a co-accused Amarjeet Kumar which has no evidentiary value in the eye of law and the name of the petitioner and the co-accused has surfaced. He further submits that nothing

has been recovered from the possession of the petitioner and no test identification parade has been held.

However, learned APP for the State opposes the prayer for bail.

From perusal of materials on record, it appears that chargesheet has already been submitted and the petitioner's release from custody would not adversely affect his trial. Thus, in the interest of justice, let the above named petitioner be released 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 CJM, Aurangabad in connection with Deo P.S.Case No.54 of 2015.

It is further made clear that this direction for bail is further subject to the condition that the petitioner will 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 may be directed.

In terms of the above observations and directions, this bail application stands allowed.

(Nilu Agrawal, J)

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