

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34028 of 2016

Arising Out of PS.Case No. -428 Year- 2015 Thana -SARAIYA District- MUZAFFARPUR

Dharmendra Kumar son of Mohan Mahto, Resident of village Karja Dih,
P.S. Karja, District Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-08-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Saraiya P.S. Case No. 428 of 2015 registered for the offence
punishable under Sections 379, 511 and 414 of the Indian Penal
Code.

The prosecution case, in brief, is that on 27-
28.12.2015 while the informant along with other police personnel
was on patrolling duty, he heard sound of breaking lock in Saraiya
Block Road. Thereafter, he went there and saw two persons, out of
whom one fled away, but another was caught. The apprehended
person disclosed his name as Sanjog Kumar.

It has been submitted by the learned counsel for

the petitioner that petitioner is innocent and has falsely been implicated in the aforesaid case. He submits that no incriminating article has been recovered from his possession and it is only on the basis of confessional statement of apprehended accused, Sanjog Kumar, name of the petitioner surfaced. He submits that the petitioner does not have any criminal history, as is evident from paragraph 3 of this application.

However, learned A.P.P. for the State submits that petitioner has been named by the apprehended co-accused, hence, opposes the prayer for bail.

Be that as it may, since the petitioner has been implicated on the basis of suspicion, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released 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 Saraiya P.S. Case No. 428 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that the petitioner will cooperate with the investigation and appear before the police/

Court as and when required and his failure to appear before the learned Court below on two consecutive dates, if required, without assigning any reason will entail cancellation of his bail bonds without being prejudiced by this order.

(Nilu Agrawal, J.)

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