

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40055 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -MUZAFFARPUR TOWN District- MUZAFFARPUR

1. Abhishek Kumar Son of Rameshwar Singh Resident of village - Chhit Bhagwatipur, Police Station Ahiyapur, District Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar Singh (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 29-11-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in jail since 16.01.2016 in connection with Town (Muzaffarpur) Police Station Case No. 42 of 2016 (G.R. No. 234 of 2016, Trial No. 2137 of 2016) registered for offences punishable under Section 414 of Indian Penal Code.

The prosecution case is that the police while on patrolling duty along with other police personnel at night, saw the petitioner carrying a bag and on being apprehended, the bag was searched and huge quantity of golden and silver ornaments were recovered and on interrogation, the petitioner divulged that all the

articles were stolen property and he was going for selling the same and accordingly the seizure list was prepared.

Learned counsel for the petitioner submits that he is innocent has got no criminal antecedent and charge sheeted has already been submitted against him, hence, there is no chance of tampering with the prosecution witnesses.

Learned counsel for the State submits that a theft was committed in the house of one Vishwanath Chaudhary of Rajendra Bhawan on the same night and hence, opposes the prayer for bail.

Be that as it may since the materials reveal that charge sheet has already been submitted and further detention of the petitioner would not in any way adversely effect the trial and considering the period of custody, in the interest of justice, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Sub Judge- VI, Muzaffarpur in connection with Town (Muzaffarpur) P.S.Case No. 42 of 2016 (G.R. No. 234 of 2016 Trial No. 2137/2016).

This is however subject to the condition that the petitioner will file an undertaking duly supported by the personal affidavit before the Trial Court and he will appear physically before the Court below on each and every date till the disposal of the case

and in case of failure on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

Sudha/-

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