

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2784 of 2016

Arising Out of PS.Case No. -192 Year- 2015 Thana -KORHA District- KATIHAR

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1. Anand Sharma Son of Late Jagdish Sharma, Resident of Mohalla - Teja Tola, P.S. and District - Katihar. Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Surendra Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 16-03-2016

Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Korha P.S. Case No. 192 of 2015 registered for the offence punishable under Section 365 of the Indian Penal Code.

Allegedly, tempo bearing registration number BR11T-7669 and its driver were made traceless and during investigation it transpires from call details that the petitioner has talked with tempo driver, after the occurrence at his house one tempo was found kept which subsequently was not found there and accordingly, the petitioner was arrested and he confessed his guilt.

Submission is of false implication and that neither the driver nor the tempo has been recovered, alleged confessional statement made before the Police has no evidentiary value in the eye of law, only on weak evidence the petitioner has been

implicated in this case, resulting, he is suffering in custody since 13.10.2015, chargesheet has already been submitted against the petitioner and there is no chance of tampering with prosecution evidence.

Learned APP opposes the prayer of bail by submitting that against other co-accused the investigation is going on and the petitioner has confessed his guilt.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 192 of 2015, subject to the conditions that one of the bailors must be a 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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