

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6499 of 2016

Arising Out of PS.Case No. -215 Year- 2014 Thana -LAHERIMUHALLA District- NALANDA
(BIHARSHARIFF)

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1. Sarwar @ Md. Sarwar S/o Md. Sabbir, resident of Mohalla- Pakk Talab,
P.S.- Laheri, District- Nalanda... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 07-04-2016 Heard learned counsel for the petitioner and learned APP for
the Sate.

Supplementary affidavit has been filed wherein it is stated that
due to bonafide mistake the prosecution case has wrongly been
mentioned in the original application, resulting necessity of
supplementary affidavit. Let the same be kept on record.

The petitioner seeks bail in connection with Laheri P.S. Case
No. 215 of 2014 registered for the offence punishable under Section
392 of the Indian Penal Code.

The petitioner is not named in the first information report
wherein it is alleged that three pulsar motorcycle borne criminals, at the
point of pistol, snatched a bag containing cash of Rs. 2,30,000/- and
fled away. The informant claimed to identify them after seeing. During
investigation the petitioner has been remanded in this case from
Hazaribagh (Jharkhkand) Case No. 998 of 2014 wherein he has
confessed his guilt regarding participation in the present case also.

Submission is of false implication and that the petitioner is in custody since 30.09.2015 but he has not been put on test identification parade, nothing has been recovered from his conscious possession and without any legal and tangible material he is behind the bar and as such he deserves sympathetic consideration to which learned APP opposes the prayer of bail by submitting that the petitioner has got criminal antecedent.

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, Nalanda at Biharsharif in connection with Laheri P.S. Case No. 215 of 2014, 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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