

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5764 of 2016

Arising Out of PS.Case No. -31 Year- 2015 Thana -KUTUMBA District- AURANGABAD

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Ramadhar Choudhary Son of Late Sagar Choudhary, Resident of Village -
Lembua , P.S.Amas , District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

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

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

3 01-04-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Kutumba
P.S. Case No. 31 of 2015 registered for the offences punishable
under Sections 395 and 398 of the Indian Penal Code.

Allegedly, attempt was made to commit dacoity and
then due to alarm being raised and assemblance of villagers, 7-8
miscreants started fleeing away. One of the miscreants exploded
bomb but anyhow one of the miscreants was caught and he stated
the name of Upendra Mama and Ramadhar Chauhan but as he did
not disclose his name, resulting villagers killed him. During
investigation, the name of the petitioner transpired in the
confessional statement of co-accused Dinesh Chaudhary and

thereafter, the petitioner was also apprehended and one *Piaggio* tempo was recovered from the door of the petitioner.

Submission is of false implication and that besides confessional statement, there is nothing against the petitioner. The tempo is of the petitioner and without any legal and tangible material, the petitioner is suffering in custody since 24.11.2015 to which the learned A.P.P. opposes 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 C.J.M., Aurangabad in connection with Kutumba P.S. Case No. 31 of 2015 subject to the conditions that one of the bailors must be 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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