

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9572 of 2016

Arising Out of PS.Case No. -812 Year- 2015 Thana -KANKARBAGH District- PATNA

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Shubham Tiwari, aged about 20 years, Son of Rajesh Tiwari, Resident of
Mohalla Munnachak, P.S. - Patrakar Nagar, District - Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Tilak Sao, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

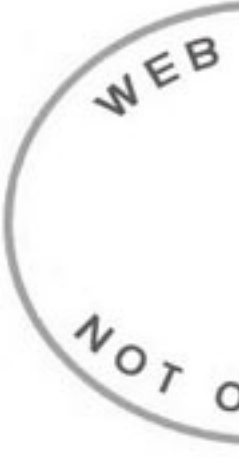
2 01-03-2016 Heard the learned counsel for the

petitioner and the learned A.P.P. for the State.

The petitioner is languishing in judicial
custody since 1.1.2016 in connection with Kanker Bagh
P.S. Case No.812 of 2015 for offence alleged under
Section 379 of the Indian Penal Code.

The prosecution case is that on 30.11.2015
at about 9.30 P.M. two persons boarded on a Bike
snatched the mobile of the informant having two SIMS
in it while he was talking outside his house.

It has been submitted by the learned
counsel for the petitioner that he is innocent and has
committed no offence and only on the confessional



statement before the police, the petitioner has been made accused which is not an admissible evidence in the eye of law. It has further been stated that even the mobile recovered from the possession of the petitioner belonged to him and he is no way concerned in the said offence. Furthermore, the counsel for the petitioner submits that he is a student of I.Sc., has a bright career and has no criminal history.

However, learned A.P.P. for the State submits that the petitioner has confessed his complicity of the offence before the police and opposes the prayer for bail.

Be that as it may, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Patna in connection with Kankar Bagh P.S. Case No.812 of 2015.

However, it is made clear that since the petitioner is an accused in another case bearing Kankar Bagh P.S. Case No.816 of 2015 for similar offence, if the petitioner is found to have indulged in a case of

similar nature, the learned court below will be at liberty
to cancel the bail bonds of the petitioner without being
prejudiced with this order.

(Nilu Agrawal, J)

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