

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11480 of 2016

Arising Out of PS.Case No. -710 Year- 2015 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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1. Seraj Ahmad Son of Sk. Arjullah resident of village - Tilanghi Naiyee Basti, Police Station - Bairiya, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 29-04-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Muffasil P.S. Case No. 710 of 2015 registered for the offence punishable under Section 395 of the Indian Penal Code.

Allegedly, unknown miscreants looted away cash of Rs. 1500/- and mobile from the informant and cash of Rs. 400/- and mobile from Parma Kumar Sah. During investigation, it transpired that in one of the looted mobile SIM was being used which was in the name of the petitioner and accordingly, the petitioner was arrested and he confessed his guilt and thereafter, Seraj Ahmad was apprehended and looted mobile was recovered.

Submission is of false implication and that the petitioner is suffering in custody since 20.01.2016 but he has not been put on TIP, nothing has been recovered from conscious possession of the petitioner. Allegedly, confessional statement of the petitioner made before police has got no evidentiary value in the eye of law. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner has got criminal antecedent as he is involved in seven more cases.

In the facts and circumstances stated above, the petitioner, above named, shall be released on bail **after completion of six months in custody from the date of his remand** 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 Additional District & Sessions Judge, 6th Bettiah, West Champaran in connection with B.P. No. 125 of 2016 arising out of Muffasil P.S. Case No. 710 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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