

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12610 of 2016

Arising Out of PS.Case No. -107 Year- 2015 Thana -INDUSTRIAL District- BHAGALPUR

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1. Dilip Tanti @ Dilip Kumar, Son of Wakil Tanti, Resident of Village-Surkhilal Bhatha, P.S. Barari, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Mishra

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 05-05-2016 Heard the learned counsel for the petitioner and the learned A.P.P. representing the State.

The petitioner seeks bail in connection with Industrial P.S. Case No. 107 of 2015 registered for the offences punishable under Sections 395, 397 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is not named in the First Information Report. During investigation, the name of the petitioner transpires in the confessional statement of co-accused Mukesh Kumar and on that basis, looted mobile of L.G. Company was recovered from the house of the petitioner.

Submission is of false implication and that the petitioner has been made victim of the circumstances, the house

is not exclusive property of the petitioner, on the seizure list, there is no signature of the petitioner and without any legal and tangible material, the petitioner is suffering in custody since 12.12.2015, having no criminal antecedent, the looted amount of Rs. 1,50,000/- was found in the house of the informant itself which is evident from his further statement recorded in para-5 of the case diary and, as such, the petitioner deserves sympathetic consideration, to which the learned APP opposes.

In the facts and circumstances stated above, considering the alleged recovery of looted mobile from the house of the petitioner, on the basis of confessional statement of co-accused, at present, this Court is not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Industrial P.S. Case No. 107 of 2015 pending in the court of learned Additional Chief Judicial Magistrate-IX-cum-Sub Judge, Bhagalpur.

However, let the trial be expedited and concluded preferably within six months after receipt / production of the copy of this order failing which, the petitioner may be at liberty to renew his prayer for bail.

(Jitendra Mohan Sharma, J)

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