

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14898 of 2016

Arising Out of PS.Case No. -507 Year- 2015 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

Mayank Kumar Son of Umesh Prasad Thakur, resident of village - Patahi
Jagarnath, P.S. Sadar, District - Muzaffarpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance:

For the Petitioner/s : Mr. Yugal Kishore, Advocate.

For the Opposite Party/s : Mr. Indra Kumar Singh, APP.

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

ORAL ORDER

3 17-05-2016

Heard the learned counsel for the petitioner as well

as the learned A.P.P for the State.

The petitioner seeks bail in connection with Sadar
P.S. Case No. 507 of 2015 (G.R. No. 5222/15) registered for the
offences punishable under Sections 395 and 397 of the Indian
Penal Code.

Allegedly, Apache motorcycle of the informant was
snatched by five motorcycle borne miscreants after causing him
firearm injury and the informant claimed to identify them after
seeing. During investigation, the name of the petitioner and
another transpired that they were seen assembled before the
occurrence.

Submission is of false implication and that the



petitioner has been apprehended only on suspicion, he has been made victim of police atrocity, nothing has been recovered from conscious possession of the petitioner and the said motorcycle was recovered on the same day from lonely place vide paragraph 20 of the case diary, the confessional statement alleged to be recorded by the police has got no evidentiary value in the eye of law and as such the petitioner deserves sympathetic consideration.

The learned APP opposes the prayer of bail by submitting that the petitioner was apprehended in another case with arms and narcotic substance wherein he has confessed his guilt and further he has got criminal antecedent.

In the facts and circumstances stated above, considering that charge sheet has already been submitted and there is no chance of tampering with prosecution evidence, the petitioner 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, Muzaffarpur in connection with Sadar P.S. Case No. 507 of 2015 (G.R. No. 5222/15), 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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