

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17756 of 2016

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

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1. Mukesh Kumar son of Ram Lagan Sah alias Ram Bharat Sah resident of Mohalla- Mirjan Hat Warshaliganj, PS. Mojahidpur, District Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Indra Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 28-06-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Industrial Area 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 which is against unknown. During investigation name of the petitioner transpired in the confessional statement of co-accused Dilip Tanti and also of the petitioner.

Submission is of false implication and that the petitioner is in custody since 13.12.2015 but he has not been put on test identification parade, confessional statement made before the Police has got no evidentiary value, the petitioner being servant of co-accused Dilip Tanti has been implicated with him, nothing has been recovered

from possession of the petitioner, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, other co-accused Bambam Yadav has already been allowed bail.

Learned APP submits that the petitioner has also confessed his guilt and it has come that looted mobile was used by the petitioner.

In the facts and circumstances stated above, considering that nothing has been recovered from conscious possession of the petitioner rather from paragraph 75 of the case diary it reveals that the mobile was recovered from the house of Dilip Tanti and as such 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 Additional Chief Judicial Magistrate Ist, Bhagalpur in connection with Industrial Area P.S. Case No. 107 of 2015, 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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