

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.21353 of 2016**

Arising Out of PS.Case No. -19 Year- 2016 Thana -MITHANPURA District- MUZAFFARPUR

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1. Suraj Kumar Gupta Son of Late Shivjee Prasad Gupta resident of Mohalla- Adarsh Gram, P.S. Ahiyapur, District- Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Upendra Kumar(App)

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

**ORAL ORDER**

3 15-07-2016

Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offence punishable under section 395 of the I.P.C

Allegedly, five unknown miscreants after covering their faces at the point of pistol snatched Rs. 4,000/- and mobile from the informant and fled away towards the railway line. During investigation witness Sukhari Das, rickshaw puller, stated that five boys came running after the occurrence and fled away on tempo which was being driven by the petitioner and thereafter the petitioner also confessed his guilt.

Submission is of false implication and that the petitioner is a poor tempo driver, no one has seen the petitioner committing the crime, he is in custody since 23.01.2016 but he has

not been put on the test identification parade, the police got recorded confessional statement of the petitioner forcibly but nothing has been recovered from possession of the petitioner and without any legal and tangible material the petitioner is suffering in custody, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner has got no criminal antecedent.

The learned A.P.P. submits that the petitioner was seen fleeing away on tempo after the occurrence and further he confessed his guilt.

In the facts and circumstances as stated above, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M. East Muzaffarpur in Mithanpura P.S. Case No. 19 of 2016, 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)**

Abhay/-

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