

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21111 of 2016

Arising Out of PS.Case No. -282 Year- 2015 Thana -PATNA CITY CHOWK District- PATNA

=====

1. Sudeep Kumar @ Rocky son of Pradeep Kumar, Resident of Sonar Gali,
P.S. Khajekalan, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar
For the Opposite Party/s : Mr. Murlidhar (App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 01-07-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Chowk
P.S. Case No. 282 of 2015 registered for the offence punishable
under Section 394 of the Indian Penal Code.

Allegedly, four motorcycle born criminals on two
motorcycles robbed the informant after stopping the tempo and at
the point of pistol started snatching articles of passenger and
thereafter, after assaulting the informant with butt of the pistol,
snatched two bags of the informant. In the bag there was cash of
Rs. 3,35,000/-, railway tickets, charger and clothes. During
investigation, the petitioner and other co-accused were
apprehended in Chowk P.S. Case No. 284/15 as besides firearm,

Ganja, cash of Rs. 17,000/- and a bag wherein railway ticket of the informant of this case and other articles were recovered.

Submission is of false implication and that the petitioner is in custody since 28.01.2016 but he has not been put on TIP, only on the basis of confessional statement and alleged recovery, he has been remanded in this case without any legal and tangible material, the amount recovered cannot be said to a robbed amount. There was no mark of identification and further the recovered articles have not been kept on the test identification parade. Without conducting proper investigation, chargesheet has been submitted and, as such, petitioner deserves sympathetic consideration as co-accused Rahul Kumar @ Rahul Soni has been allowed bail vide Cri. Misc. No. 19640 of 2016 by another co-ordinate Bench of this Court.

The learned A.P.P. opposes the prayer of bail by pointing the alleged recovery.

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 A.C.J.M., Patna City, Patna in connection with Chowk

P.S. Case No. 282 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)

sushma/-

U			
---	--	--	--