

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56017 of 2015

Arising Out of PS.Case No. -48 Year- 2015 Thana -SARAN GRP CASE District- SARAN

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Dheeraj Kumar @ Dhiraj Kumar Son of late Manoj Prasad resident of
Mohallah- Indranagar, Police Station -Chapra Town, district Saran, Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parijat Saurav

For the Opposite Party/s : Mr. Shakir Ahmad(App)

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

3 10-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Rail P.P.
Chhapra Kachehari P.S. Case No. 48 of 2015 registered for the
offences punishable under Sections 395, 397, 412 of the Indian
Penal Code.

Allegedly, dacoity was committed in train 11123 [UP]
– Barauni Gwalior Express near Chhapra kachhari Station by 20-
22 miscreants and mobile and cash were looted away at the point
of pistol and further they assaulted the informant by butt of the
pistol. During investigation, the name of the petitioner transpired
in the confessional statement of co-accused and further from
possession of the petitioner one mobile of Nokia company was

recovered and the petitioner has also confessed his guilt.

Submission is of false implication and that the petitioner is not named in the F.I.R., on the basis of confessional statement of co-accused, he has been arrested by the police only on suspicion. He has got no criminal antecedent and the recovered material is not looted article as is evident from First Information Report itself and further the said mobile of Nokia company was not put on TIP and, as such, the petitioner who is suffering in custody since 09.09.2015, deserves sympathetic consideration.

The learned APP opposes the prayer of bail but fairly submits that in the F.I.R. there is no mention of mobile of Nokia Company.

In the facts and circumstances stated above, considering the detention of the petitioner and further that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, now 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 Railway Judicial Magistrate, Sonapur in connection with Rail P.P. Chhapra Kachehari P.S. Case No. 48 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)

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