

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38264 of 2016

Arising Out of PS.Case No. -44 Year- 2016 Thana -SARAN GRP CASE District- SARAN

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1. Pappu Kumar, S/o Sri Madan Mohan Prasad, Resident of Motipur P.S. Motipur, District Muzaffarpur.
 2. Horil Kumar, S/o late Shankar Paswan, Resident of near F.C.I. Godown, P.S. Motipur District Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dhananjaya Nath Tiwari, Advocate

For the Opposite Party : Mr. Umesh Lal Verma (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 03-10-2016 Heard learned counsel for the petitioners and the learned counsel representing the State.

The petitioners seek bail in connection with Muzaffarpur Rail P.S Case No. 44 of 2016 registered for the offences punishable under Sections 379, 411 of the Indian Penal Code.

Allegedly, the amount of Rs. 13,000/- and mobile were stolen away from the informant when she was sleeping on the platform and on alarm being raised, the petitioners were caught and from possession of petitioner no.2 the stolen mobile was recovered from his right pocket of his pant.

Submission is of false implication and that no amount

has been recovered from any of the petitioners, mobile was also in planted in the pocket of the petitioner no.2, resulting both are suffering in custody since 16.06.2016 and have been sufficiently penalized and, as such, they deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioners are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of the learned Railway Judicial Magistrate, Sonapur in connection with Muzaffarpur Rail P.S Case No. 44 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J.)

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