

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50107 of 2016

Arising Out of PS.Case No. -124 Year- 2016 Thana -JOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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Kunal Thakur @ Rupesh Kumar son of Ajay Kumar @ Ajay Thakur
resident of village - Barohiya, P.S. - Chanpatia, District - West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
20.06.2016 in connection with Jogapatti P.S. Case No. 124 of
2016 registered for the offence punishable under Section 392 of
the Indian Penal Code, which was subsequently converted into
Section 395 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he was entrusted Rs. ten lacs to disburse under Old Age
Pension Scheme. On 09.05.2016, he disbursed Rs. 5,10,000/-. On
the next day while he along with his son was coming on
motorcycle with the remaining amount to disburse, four accused
persons intercepted and snatched the bag containing the remaining



amount of Rs. 4,90,000/- and fled away.

It has been submitted by the learned counsel for the petitioner that he is innocent and not named in the First Information Report and has falsely been implicated on the basis of confessional statement of one Satish Sharma and Shesh Kumar Patel in another case bearing Bettiah (M) P.S. Case No. 280 of 2016 in which petitioner is also made an accused. He submits that neither the money nor the motorcycle has been recovered from conscious possession of the petitioner and confessional statement of a co-accused has no evidentiary value in the eye of law. He further submits that Test Identification Parade has not been conducted so far and that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that although the petitioner is not named in the First Information Report, but during investigation, his name surfaced and that he has criminal antecedent, hence, opposes the prayer for bail.

Considering the materials available and that the materials reveal that petitioner's liberty on bail would not adversely affect his trial, hence, in the interest of justice, let the petitioner, above named, be enlarged on bail on furnishing bail



bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, West Champaran at Bettiah in connection with Jogapatti P.S. Case No. 124 of 2016.

This direction for bail is, however, subject to the condition that petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear in the learned Court below, as and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

Arjun/-

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