

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40781 of 2016

Arising Out of PS.Case No. -146 Year- 2016 Thana -BIBHUTIPUR District- SAMASTIPUR

1. Chandan Kumar Son of Ram Sagar Singh, resident of Village- Chochahi Bharpura, P.S.- Bibhutipur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate

For the Opposite Party/s : Mr. Mustaque Alam, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-11-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in jail since 22.06.2016 in a case registered for offences punishable under Section 395 of Indian Penal Code.

The prosecution case, in brief, is that while the informant was travelling from Rosera to Dalsingsarai along with his friend as pillion rider for business work and as soon as he reached five meters south of Dahu Chowk, six miscreants with two motorcycles way laid him and pushed him and started fleeing away taking his bag, containing Rs. 2,25,000/- and some clothes and thereafter the petitioner taking the lift with another traveler, the informant chased the miscreants raising an alarm and

police was also informed and in that course, the local people also chased the miscreants and three miscreants riding on a motorcycle fell down and two were caught hold, who disclosed the name of the petitioner.

It has been submitted by the learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no recovery of any looted article from the possession of the petitioner. Charge sheet has been submitted against the petitioner and there is no allegation of tampering of witnesses alleged against the petitioner.

However, the learned A.P.P. of the State submits that the petitioner is named in the F.I.R. and during the course of investigation, the house of the petitioner was searched, in which the bag was containing Rs. 84,260/- was found, hence, opposes the prayer for bail.

However, learned counsel for the petitioner submits that the said recovery has been made from the back of the house of the petitioner. He further submits that the other co-accused have been granted the privilege of bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 45391 of 2016 dated 19.10.2016 and Cr. Misc. No. 37268 of 2016 dated 27.10.2016.

Considering the aforesaid facts and circumstances, let

the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction learned Additional Chief Judicial Magistrate, Rosera in connection with Bibhutipur P.S. Case No. 146/2016.

This direction for privilege of bail so granted is further subject to the condition that the 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 may be directed.

With this observation and directions this application stand allowed.

(Nilu Agrawal, J)

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