

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46313 of 2016

Arising Out of PS.Case No. -209 Year- 2015 Thana -MUFFASIL District- AURANGABAD

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1. Arun Kumar @ Arun Kumar Sharma @ R.D.X. (Barood) Son of Mahendra Sharma Resident of Village - Sanda Mela, P.S. Kuttumba, District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 22-12-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 27.07.2016 in connection with Muffasil P.S.Case No. 209 of 2015 registered for the offence punishable under Section 395 of the Indian Penal Code.

The prosecution case as lodged by the informant is that while he was going with a pick-up van loaded with cattle towards Sanda cattle animal fair, some miscreants who were on safari vehicle came in front of the vehicle of the informant near Chatra More and looted Rs. 5, 96,000/- from the informant and other traders.



It has been submitted by the learned counsel for the petitioner that he is innocent and not named in the FIR and his name surfaced on the confessional statement of one Amarjit Kumar, which has no evidentiary value in the eye of law. It has further been submitted that no T.I.P. has been done so far and that charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is further submitted that another co-accused named by the said Amarjit Kumar has since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. no. 42217 of 2016 dated 06.12.2016.

However, learned A.P.P. for the State submits that the petitioner does not have a clean antecedent and as many as four cases are pending against the petitioner for similar offences, hence, opposes the prayer for bail.

Be that as it may, since charge sheet has already been submitted and another co-accused on similar allegation has been granted the privilege of bail, 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 Chief Judicial Magistrate, Aurangabad in connection with Muffasil P.S. Case No. 209 of 2015, subject to the conditions that one of the bailors must be a close relative of



the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station/Court and that the petitioner will file an undertaking duly supported by his personal affidavit before the Trial Court and he will appear physically before the Court below on each and every date till the disposal of the case and in case of failure to appear on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled.

(Nilu Agrawal, J)

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