

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50796 of 2016

Arising Out of PS.Case No. -126 Year- 2015 Thana -MARANCHI District- PATNA

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DHONA BIND @ BHANU BIND @ ROHIT KUMAR, son of Sardari Bind, resident of Village Simariya Ghat Bind Toli, P.S. Barauni (Chakiya), District Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-11-2016 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in custody since 06.06.2016 in connection with Maranchi P.S. Case No. 126/15, G.R. No. 2241/15 for offences punishable under Sections 395, 412 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that 7-8 miscreants snatched cash of Rs. 70,000/- from the persons of the informant side and cash of Rs. 50,000/- from the persons of other side, who were engaged in cremation of dead bodies of two persons.

It has been submitted by the learned counsel for the petitioner that he is innocent, has committed no offence, not named in the First Information Report and it is only on the basis of



confessional statement of co-accused Ram Bahadur Mahto, which has no evidentiary value in the eye of law, that the name of this petitioner surfaced. He submits that the charge-sheet has already been submitted against the petitioner and hence, there is no chance of tampering with the evidence, he has no criminal antecedent and other co-accused, on similar allegation, has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 27201 of 2016 on 05.09.2016.

However, learned APP for the State submits that although the petitioner is not named in the First Information Report, but during investigation and on confessional statement of the co-accused, the name of the petitioner surfaced, hence, opposes the prayer for bail.

Considering the aforesaid facts and circumstances as well as the submissions of the parties, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Deepak Kumar, learned Judicial Magistrate 1st Class, Barh, Patna, in connection with Maranchi P.S. Case No. 126/15 (G.R. No. 2241 of 2015).

This direction of bail is further subject to the condition that the accused 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 before the learned Court below as and when required.

With these observations and directions, the application stands allowed.

(Nilu Agrawal, J.)

Rajesh/-

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