

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 35698 of 2014

Arising Out of PS.Case No. -661 Year- 2013 Thana -BEGUSARAI TOWN District- BEGUSARAI

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Munil Kumar S/o Ram Gyan Mahto resident of village- Nagdah, P.S.- Singhaul,
District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 17-02-2016

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in Begusarai Town
(Lohiya Nagar) P.S. Case No. 661 of 2013 dated 07.10.2013
instituted under Sections 394/395/397/412 of the Indian Penal
Code.

This is the third attempt of the petitioner for bail
as initially such prayer was rejected by order dated 19.03.2014 in
Cr. Misc. No. 4792 of 2014 by which, though the prayer for bail
was rejected, the Court below was directed to get T.I.P. done
through the Superintendent of Police, Begusarai of the petitioner
and if he was not identified he was to be released on bail on
condition set by the Court concerned. When such T.I.P. was not
conducted, the petitioner again moved the Court in Cr. Misc. No.
21692 of 2014 which was disposed off by order dated 14.05.2014
giving liberty to the petitioner to file a fresh application before the

Court below for ensuring that the Investigating Officer of the case gets Test Identification Parade held in the matter.

Learned counsel for the petitioner submits that till date no T.I.P. has been held and the petitioner is languishing in jail without there being any fault on his part and in fact the order of the Court in the earlier two cases has not been complied with. A counter affidavit has been filed on behalf of the Superintendent of Police, Begusarai in which it has been stated that the Investigating Authority had repeatedly tried to prevail upon the informant to participate in the T.I.P. but he has not done so and lastly he has informed the concerned S.H.O. that because the incident is quite old he is not in a position to identify the culprit and thus has declined to go for T.I.P.

Learned counsel for the petitioner submits that the allegation against him and three others that they intercepted the motorcycle of the informant and looted over Rs. 13 lakhs is not true and despite the informant claiming in the fard beyan that he can identify the assailant, he has refused to take part in the T.I.P. Learned counsel submits that there is only one other case against the petitioner being Begusarai Town P.S. Case No. 679 of 2013 under the Arms Act in which he is on bail.

Learned A.P.P. is not in a position to controvert the submissions of learned counsel for the petitioner.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the

petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai in Begusarai Town P.S. Case No. 661 of 2013 subject to the condition that one of the bailors shall be a government servant. Further the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to do so, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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