

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9956 of 2016

Arising Out of PS.Case No. -88 Year- 2015 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Bhola Rai, Son of Punit Rai resident of village - Rajwara, P.S. Ghorasahan,
District - East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate

For the Opposite Party : Mr. Dinesh Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-04-2016 Heard learned counsel for the petitioner and the
learned A.P.P. representing the State.

The petitioner seeks bail in connection with
Ghorasahan P.S Case No. 88 of 2015 registered for the offences
punishable under Section 394 and 411 of Indian Penal Code.

Allegedly, petitioner is named in the First
Information Report as he was identified on the basis of his voice
whereas two others were not identified. During investigation also
the witnesses have stated that the petitioner was identified on the
basis of his voice and further co-accused Raju Singh confessed his
guilt and also stated the name of the petitioner.

Submission is of false implication and that the



petitioner has been named only on the basis of suspicion, no one can be identified merely by voice, it is not stated that the accused persons have covered their faces, co-accused Kaushal Kumar whose name has come in the confessional statement of Raju Singh has been allowed bail by Criminal Miscellaneous Case No. 1558 of 2016 and as such the petitioner also deserves sympathetic consideration, to which the learned APP opposes by submitting that petitioner is accused in six more cases of similar nature and further Raju Singh @ Rajdeo Singh was arrested along with looted motorcycle who made his confessional statement.

In the facts and circumstances stated above, considering that nothing has been recovered from the possession of the petitioner and only on the basis of voice he has been named and as such the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikrahana, Motihari, East Champaran arising out of Ghorasahan P.S. Case No. 88 of 2015, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the

default on two consecutive dates on his part without any reason
shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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