

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9346 of 2016

Arising Out of PS.Case No. -223 Year- 2015 Thana -MOTIPUR District- MUZAFFARPUR

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Amit Kumar, Son of Subodh Kumar Singh, Resident of Mohalla- Pragya
Nagar, Bhikhanpura, P.S. Sadar, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Narendra Kr. Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-03-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in judicial custody since
23.09.2015 (wrongly recorded in the impugned order as
03.10.2015) in connection with Motipur P.S. Case No. 223/15 for
offences alleged under Sections 395, 397 of the Indian Penal
Code.

The prosecution case, as lodged by the informant,
is that on 11.08.2015 he along with his Assistant Ashok Sharma
after loading Garlic at Kota proceeded with Truck No.
MP33MC0011 to Gulabbagh, Bihar. On 14.08.2015 at 10.00 P.M.
when they reached at Paushala bridge, a Zylo car with blue flasher
overtook his truck, two of them came to him and demanded

receipt which was given, five persons entered into the truck from the side of truck cleaner and captured them on the point of pistol. One person gave injection and tablet to them, tied their eyes and hands, dumped one after another beside the road. He regained consciousness and found himself in a ditch. In the morning, with the help of passersby reached at Bochahan Police Station where the truck cleaner was present, narrated the occurrence to the police who recorded the statement.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. It has further been submitted that the confession before the police has no evidentiary value in the eye of law and the petitioner has been charge-sheeted, hence, there is no chance of tampering with the evidence.

Learned APP for the State, however, submits that the petitioner has been apprehended by the police and remanded to judicial custody, hence, opposes the prayer for bail.

Be that as it may, let petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. (West) Muzaffarpur in connection with Motipur P.S. Case No. 223/15.

However, it is made clear that since the petitioner is also accused in two other cases, if in future the petitioner indulges in a case of similar nature the learned court below will be at liberty to cancel the bail bond of the petitioner without being prejudiced with this order.

(Nilu Agrawal, J.)

Rajesh/-

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