

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11422 of 2016

Arising Out of PS.Case No. -159 Year- 2015 Thana -NOKHA District- SASARAM (ROHTAS)

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1. Santosh Kumar Son of Shankar Singh Resident of village - Chanka, P.S.
Nokha, District – Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Veena Kumari Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 15-03-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 461, 379/34 of the Indian
Penal Code.

Petitioner is named in the first information report but
informant is not an eye witness of the alleged occurrence and the
informant has given the name of petitioner only on the ground of
suspicion. From perusal of the impugned order I find that in
course of investigation, not a single prosecution witnesses claimed
to have seen the petitioner committing the alleged crime and some
witnesses only stated to this extent that petitioner was seen
loitering near the shop of the informant.

Petitioner is languishing in jail custody since 24.01.2016 and does not have any criminal antecedent. Although, there was no cogent and material evidence to show the involvement of the petitioner in the alleged crime but in spite of that the bail prayer of the petitioner was rejected by 7th Additional Sessions Judge, Rohtas, Sasaram without applying his judicial mind and without exercising his judicial discretion in proper manner.

Considering the aforesaid facts and circumstances as well as submissions of 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 Additional Chief Judicial Magistrate-5, Sasaram, Rohtas in connection with Nokha P.S. Case No. 159 of 2015.

(Hemant Kumar Srivastava, J)

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