

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11411 of 2016

Arising Out of PS.Case No. -265 Year- 2015 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

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1. Om Prakash Sahani son of Ekam Sahani resident of Village - Siswa,
Kharar, P.O. + P.S. - Kalyanpur, District - East Champaran.

.... Petitioner

Versus

1. The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Uday Pratap Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 28-04-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Kotwali
P.S. Case No. 265 of 2015 registered for the offence punishable
under Section 394 of the Indian Penal Code.

The petitioner is not named in the first information report.
During investigation on the basis of information furnished by Spy
the petitioner and co-accused Dhiraj Sharma @ Chunchun Sharma
were apprehended and both confessed their guilt and further from
possession of Dhiraj Sharma looted black colour bag was
recovered and from the house of Pintu Kumar amount of Rs.
5,200/- was recovered.

Submission is of false implication and that besides
confessional statement of the petitioner there is nothing against

him, he is in custody since 31.12.2015 but he has not been put on test identification parade, nothing has been recovered from his possession and as such he deserves sympathetic consideration to which learned APP submits that the petitioner is involved in one more case.

In the facts and circumstances stated above, considering that the petitioner has not been put on T.I.P. and nothing has been recovered from his possession, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Kotwa P.S. Case No. 265 of 2015, subject to the conditions that one of the bailors must be a 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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