

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46210 of 2015

Arising Out of PS.Case No. -53 Year- 2015 Thana -PHULWARIA District- GOPALGANJ

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1. Abinash Kumar Singh @ Chiranjivi @ Lambu son of Jitendra Kumar Singh resident of Village - Mahaicha, Police Station - Hathua, District - Gopalganj. Petitioner/s

Versus

1. The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar

For the Opposite Party/s : Mr. Akbar Ali (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 08-02-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor representing the State.

The petitioner seeks bail in connection with Phulwaria P.S. case No. 53/2015 registered for the offence punishable under sections 395 of the Indian Penal Code.

The petitioner is not named in the first information report but during the course of investigation the petitioner and three were arrested in Siwan Muffasil P.S. case No. 138 of 2014 with one motor cycle and co-accused Sanni Kumar confessed his guilt and stated regarding involvement of the petitioner also in the crime.

Submission is of false implication and that the snatched motor cycle has not been recovered from the conscious possession of the petitioner and similarly situated co-accused

Sumit Kumar Dubey @ Changur Dubey, who was also arrested with the petitioner, has already been granted bail vide Cr. Misc. No. 2284 of 2016 by order dated 28.01.2016 by another co-ordinate Bench of this court and, as such, the petitioner deserves sympathetic consideration. The learned A.P.P. is not in a position to distinguish the case of the petitioner from other co-accused.

In the facts and circumstances stated above, 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 Sri Abhishek Kumar, Judicial Magistrate, 1st class, Gopalganj in connection with Phulwaria P.S. case No.53/2015 (G.R. No. 1125/2015), 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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