

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51362 of 2015

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1. Shyam Sundar Thakur @ Shyam Sundar Sharma @ Shyam Sunder Thakur @ Shyam Sunder Sharma sonof Late Banka Thakur, Resident of Village- Laguniya, P.S.- Paharpur, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Iftekhar Mahmood(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 05-01-2016

Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner seeks bail in a case for the offences punishable under sections 392 and 394 of the I.P.C

Allegedly, four unknown miscreants using white colour Scorpio without any number with yellow beacon light overtook the vehicle which was being driven by the informant and the miscreants committed robbery by taking away the mobile, leather bag containing documents and cash of Rs. 8,000/- belonging to Awadhesh Kumar, Executive Engineer boarded in the vehicle and one mobile set of the informant. During investigation the name of the petitioner transpired in the confessional statement of co-accused Alok Kumar @ Alok Tiwary.

Submission is of false implication and that nothing has been recovered from possession of the petitioner, he has not been put on test identification parade and he is suffering in custody since 17.08.2015 without any legal and cogent evidence, charge sheet has already been submitted and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that the petitioner has not been put on test identification parade and besides confessional statement there is no other cogent material against him and as such the petitioner is directed to 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 Sri Amit Kumar Dixit, J.M. 1st Class, Muzaffarpur in Gaighat P.S. Case No. 344 of 2014, 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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