

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52902 of 2015

Arising Out of PS.Case No. -175 Year- 2015 Thana -DAGARUA District- PURNIA

Manoj Mahaldar Son of Sri Bhim Lal Mahaldar resident of village -
Biwari, P.S. Dagaru, District - Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.53589 of 2015

Arising Out of PS.Case No. -175 Year- 2015 Thana -DAGARUA District- PURNIA

Sudhir Kumar Yadav @ Sudheer Kumar Yadav, Son of Satya Narain
Yadav, Resident of Village- Garhia Bisanpur, P.S.- K. Nagar, District-
Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.52902 of 2015)

For the Petitioner/s : Mr. Amit Kumar Anand
For the Opposite Party/s : Mr. Bisheshwar Ram(App)

(In Cr.Misc. No.53589 of 2015)

For the Petitioner/s : Mr. Bijendra Kumar Singh
For the Opposite Party/s : Mr. Asha Kumari(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 22-02-2016 Both the criminal miscellaneous applications are of

the same occurrence and, as such, have been heard together and

are being disposed of by passing this common order.

Heard learned counsels for the petitioners and learned

A.P.P. representing the State.

Petitioners seek bail in connection with Dagaru P.S. Case No. 175 of 2015 registered for the offence punishable under Section 395 of the Indian Penal Code.

First Information Report is against five unknown miscreants with allegation that the miscreants after opening the dicky of motorcycle of the informant, took away Rs. 94,315/- and further took away amount of Rs. 800/- from his purse and one mobile, the informant claimed to identify them after seeing the face. During investigation, the name of the petitioner, Sudhir Kumar Yadav transpired on the basis of call details report of mobile and the mobile was recovered from possession of the petitioner Sudhir Kumar Yadav and he confessed his guilt stating the name of other co-accused including the petitioner Manoj Mahaldar.

Submission is of false implication and that the petitioners are suffering in custody since 08.08.2015 but they have not been put on TIP, against the petitioner, Manoj Mahaldar there is no legal and cogent material and further the said mobile was found in abandoned condition and the petitioner Sudhir Kumar Yadav picked up the same and started using. Other co-accused namely, Md. Majhar and Rakesh Kumar Yadav @ Rakesh Kumar have been granted bail vide Cri. Misc. Nos. 47842 of 2015 and

51337 of 2015 and, as such, the petitioners also deserve sympathetic consideration to which the learned A.P.P. opposes.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and petitioners have not been put on TIP and, as such, the petitioners, above named, are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Smt. Sachi Mishra, learned Judicial Magistrate, 1st Class, Purnea in connection with Dagarua P.S. Case No. 175 of 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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