

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54217 of 2015

Arising Out of PS.Case No. -115 Year- 2015 Thana -KAMTAUL District- DARBHANGA

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1. Jeetu Khatwey @ Jaitan Khatwey Son of Nantun Khatwey Resident of Village - Shahpur, P.S.- Benipatti, District - Madhubani
 2. Obaid Alam @ Netajee Son of Late Shaukat Ali Resident of Village - Nanpur, P.S.- Bela, District - Sitamarhi
 3. Laxmi Sah Son of Baidnath Sah Resident of Village -Pupri Nonia Toli, P.S.- Pupri District - Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Ashraf Ansari(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 29-01-2016 Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioners seek bail in connection with Kamtaul P.S. Case No. 115 of 2015 registered for the offences punishable under Sections 400, 420, 413, 414, 467, 468, 120B/34 of the Indian Penal Code.

Allegedly, the informant and other police personnel during vehicle checking saw motorcycle borne criminals but the miscreants fled away after leaving the motorcycle and one mobile and further it reveals that the mobile was of the petitioner Laxmi Sah and he was apprehended and he confessed his guilt stating the



name of other co-accused and further from possession of Laxmi Sah several master keys and other mobile sets were recovered and from possession of petitioner Jitu Khatwey also motorcycle master key and three mobiles were recovered and further from possession of petitioner Obaid Alam cash of Rs. 1,500/- and one mobile were recovered. In confessional statement the petitioner Laxmi Sah has admitted that they used to still motorcycles and other vehicles by using the master key.

Submission is of false implication and that they have been made victim of circumstances, as a matter of fact nothing was recovered from their conscious possession, confessional statement has been recorded after adopting 3rd degree method, other co-accused Ramashish Chaupal has been allowed bail vide order passed in Cr. Misc. No. 573 of 2016 as such the petitioners who are suffering in custody since 15.09.2015 deserve sympathetic consideration to which learned APP opposes by submitting that the petitioner Laxmi Sah has confessed his guilt and from his house several master keys have been recovered and from possession of petitioner Jitu Khatwey one stolen motorcycle and master keys were recovered.

In the facts and circumstances stated above and considering the recovery, this court is not inclined to enlarge the

petitioner Laxmi Sah and Jitu Khatwey on bail accordingly, their prayer for bail stands rejected.

However, the petitioners Laxmi Sah and Jitu Khatwey may renew their prayer for bail after remaining in custody for further six months.

So far as petitioner Obaid Alam is concerned, he 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 R. K. Dewedi, A.C.J.M., Darbhanga in connection with Kamtaul P.S. Case No. 115 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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