

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 35554 of 2016

Arising out of P.S. Case No. - 370 Year - 2016 Thana - SIWAN CITY District - SIWAN

=====

Mahesh Kumar Barnwal, Son of Late Shanker Barnwal, Resident of
Mohalla - Makhdum Sarai P.S. Sharai O.P. - Siwan Town District - Siwan
.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Javed Aslam, Advocate

For the Opposite Party : Mr. Rajendra Prasad Nat, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-10-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
01.07.2016 in connection with Siwan Town P.S. Case No. 370 of
2016 for the offence instituted under Section 394 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution story, in brief, is that when the
informant proceeded from his house along with his cousin brother
Krishna by cycle putting his bag containing eight lakh rupees and
reached near National hardware on Mahabir road two persons were
got his cycle stopped and one of them took out a pistol from his
waist and shot his left leg as a result of which he fell down and his
cousin fled away. It is alleged that two accused taking out the bag
containing the money from the cycle and fled away on Chhapra road

by motorcycle.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 01.07.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. Petitioner is not named in the F.I.R. He has not been put on T.I.P. There is no recovery of any incriminating article from the possession of the petitioner. Except for confessional statement of the co-accused, namely, Abhinandan Kumar Sah, there is no other substantive evidence to suggest his implication in the present case. It is further submitted that the petitioner may be released after completion of six months in custody from 01.07.2016.

On behalf of the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail, after completion of six months in custody from 01.07.2016, on furnishing 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, Siwan in connection with Siwan Town P.S. Case No. 370 of 2016.

(Sudhir Singh, J.)

Kundan

U		T	
---	--	---	--