

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41928 of 2016

Arising Out of PS.Case No. -204 Year- 2016 Thana -SHASTRINAGAR District- PATNA

=====

1. Madan Mohan Prasad Son of late Rameshwar Prasad Resident of Haripur Colony, Police Station- Digha, District - Patna. Petitioner

Versus

1. The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 17-10-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Shastri Nagar P.S. Case No. 204 of 2016 registered for the offences punishable under Sections 457, 380 of the Indian Penal Code in which Section 411 IPC was added later.

Allegedly, theft was committed in Flat No. 11 of Kamla Apartment when the Bhabhi of the informant had gone to Delhi after locking the flat. During investigation name of the petitioner transpires on the basis of confessional statement of Shakir Ansari that he sold the gold ornaments in the shop of the petitioner and thereafter, shop of the petitioner was raided and 22 articles were seized vide annexure-2.

Submission is of false implication and that the seized articles do not tally with the gold ornaments which were stolen away from the flat of Kamla Singh. The description of gold ornaments is recorded in paragraph 106 of the case diary but not even a single article

matched with the ornaments seized from the shop of the petitioner. The seized articles have not been put on test identification parade and without any TIP chargesheet has been submitted. The son of the petitioner Abhishek Kumar with similar allegation has been allowed bail vide order dated 26.09.2016 passed in Cr. Misc. No. 32622 of 2016 by another co-ordinate Bench of this Court to which learned APP fairly submits that co-accused has been allowed bail.

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 Smt. Aditi Gupta, J. M. Ist Class, Patna in connection with Shastri Nagar P.S. Case No. 204 of 2016, 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)

avin/-

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