

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38246 of 2016

Arising Out of PS.Case No. -188 Year- 2015 Thana -BIRPUR District- SUPAUL

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1. Sumit Kumar @ Sumit Kumar Singh Son of Ramesh Prasad Singh,
resident of Village- Basantpur, Police Station- Birpur, District- Supaul.
..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Sri Mustaque Alam

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 22-10-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Birpur P.S. Case No. 188 of 2015 registered for the offence punishable under Section 394 of the Indian Penal Code.

Allegedly, three motorcycles borne criminals snatched Yamaha FZS motorcycle and two mobile set of the informant and fled away. The informant and patrolling party during search found the petitioner with motorcycle used in the crime and he was arrested. He disclosed his name and further disclosed the name of his other associates and confessed that the looted motorcycle has been taken away by Manish Kumar and Nitish Kumar and the informant identified the petitioner.

Submission is of false implication only on suspicion and that the looted motorcycle has been recovered in abandoned

condition vide para 86 of the case diary, nothing has been recovered from conscious possession of the petitioner, charge-sheet has been submitted under Section 394 IPC and as such he deserves sympathetic consideration as he is suffering in custody since 25.10.2015 to which the learned A.P.P. fairly submits that considering the detention of the petitioner now lenient view can be taken.

In the facts and circumstances stated above, considering the detention of the petitioner, 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 the Learned A.C.J.M., Birpur, in connection with Birpur P.S. Case No. 188 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 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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