

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37518 of 2016

Arising Out of PS.Case No. -119 Year- 2016 Thana -KISHANGANJ District- KISANGANJ

Md. Abdul Son of Late Md. Ishaque Resident of Village- Kona Kamat,
P.S.- Chakulia District- Uttar Dinazpur (W.B.)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha
For the Opposite Party/s : Mr. Binod Kumar 3

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 08-11-2016 Heard learned counsel for the petitioner as well
as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case initially
registered for the offences punishable under Section 379 of
the Indian Penal Code and subsequently, Section 392 of the
Indian Penal Code was added.

Petitioner is not named in the first information
report but in course of investigation, vide paragraphs no. 7
and 8 of the case diary, two witnesses claimed to have seen
the petitioner committing the alleged crime and after that the
photograph of the petitioner was shown to one witness, who

identified the photograph of the petitioner and claimed that petitioner had participated in the alleged crime. Subsequently, petitioner was put on Test Identification Parade and the said witness identified the petitioner in Test Identification Parade.

Submission on behalf of the petitioner is that the Test Identification Parade of the petitioner is meaningless because prior to holding of T.I.P, the photograph of the petitioner had been shown to the witness and so far as statements of two witnesses, who claimed to have seen the petitioner committing the alleged crime, are concerned, the aforesaid witnesses stated that name of petitioner was disclosed by local people but the aforesaid witnesses have not disclosed the name of those persons who stated the name of petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 119 of 2016.

However, it is made clear that before accepting the bail bonds filed on behalf of the petitioner, the concerned court shall seek verification report of address of the petitioner from concerned police station.

(Hemant Kumar Srivastava, J)

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