

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41638 of 2016

Arising Out of PS.Case No. -128 Year- 2015 Thana -BEGUSARAI TOWN District- BEGUSARAI

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Kundan Kumar, Son of Ram Prakash Paswan, resident of Mohalla - Ashok
Nagar, Pokhariya, P.S. - Town, District - Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Naresh Singh, Advocate

For the Opposite Party/s : Md. Ansarul Haque, APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 04-10-2016 Heard learned counsel for the petitioner and learned A.P.P.
representing the State.

The petitioner seeks bail in connection with Begusarai
(Town) P.S. Case No. 128 of 2015 registered for the offences
punishable under Sections 379 and 411 of the Indian Penal Code.

Allegedly, the motorcycle of the informant was stolen away
by the co-accused Binod Singh. During investigation, the name of
this petitioner also transpires and further the petitioner has got
criminal antecedents.

Submission is of false implication and that the petitioner is
in custody since 04.05.2015, charge-sheet has already been
submitted and there is no allegation of tampering with the
prosecution witnesses. He has not been named in the FIR and except
the confessional statement of co-accused there is no other material

to suggest his implication in the present case. Nothing has been recovered from the possession of this petitioner and he has not been put on T.I.P. and, in this case, similarly situated co-accused Jiyaul @ Rahul has been allowed bail by another Bench of this Court, vide order dated 02.08.2016, passed in Cr. Misc. No. 22269 of 2016.

Learned A.P.P. very fairly submits that the 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 the Learned Additional Chief Judicial Magistrate-III, Begusarai in connection with Begusarai (Town) P.S. Case No. 128 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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