

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44941 of 2016

Arising Out of PS.Case No. -26 Year- 2016 Thana -BEGUSARAI GRP CASE District-
BEGUSARAI

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Sharwan Kumar Singh @ Kari Singh @ Sharwan Singh S/o Suresh Singh
@ Suro Singh resident of Village- Nipaniya, P.S.- Phulwariya, District-
Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binod Kumar, Advocate

For the Opposite Party : Mr. Ashok Kumar Singh 1, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-11-2016 Heard the learned counsel for the petitioner and the
learned APP for the State.

Petitioner is languishing in judicial custody since
11.08.2016 in connection with Barauni Rail P.S.Case No.26 of
2016 for offence alleged under Sections 379 of the IPC.

The prosecution case is that the informant was
travelling from NJP to Jaipur by train and when the train started
from New Barauni, one unknown person snatched ladies hand bag,
containing golden chain, two pieces of mobile and other articles
with cash of Rs.12,000/- and jumped out from the running train.

It has been submitted by the learned counsel for the
petitioner that he is not named in the FIR, no test identification



parade has been done and only on the basis of confessional statement of one Suraj Kumar @ Gorfulwa who has been granted bail by the learned court below, that the name of the petitioner surfaced. He submits that the confessional statement of a co-accused has no evidentiary value in the eye of law and chargesheet has already been submitted, hence there is no chance of tampering with the evidence.

However, learned APP for the State submits that the petitioner's name surfaced during course of investigation, hence opposes the prayer for bail.

From perusal of materials on record, it appears that chargesheet has already been submitted and the petitioner's release from custody would not adversely affect his trial. Thus, in the interest of justice and considering the period of custody, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Barauni in connection with Barauni Rail P.S.Case No.26 of 2016.

It is further made clear that this direction for bail is further subject to the condition that the petitioner will not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him

from disclosing such facts to the Court or to any police officer or
tamper with the evidence and shall appear, in the learned Court
below, as may be directed.

In terms of the above observations and directions, this bail
application stands allowed.

(Nilu Agrawal, J)

B.Kr./-

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