

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38380 of 2016

Arising Out of PS.Case No. -379 Year- 2015 Thana -BAKHTIYARPUR District- PATNA

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Ajay Kumar, son of Tanik Yadav, Resident of Dumrawa P.S. Asthawa
District Nalanda.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party : Mr. Sri Iftekhar Mahmood (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 28-10-2016

Heard learned counsel for the petitioner and the

learned counsel representing the State.

The petitioner seeks bail in connection with
Bakhtiyarpur P.S Case No. 379 of 2015 registered for the offences
punishable under Sections 392, 411 of the Indian Penal Code.

First Information Report is against three unknown
miscreants, the name of the petitioner transpires during
investigation and further from his possession looted motorcycle
was recovered.

Submission is of false implication and that nothing
has been recovered from conscious possession of the petitioner, he
was arrested in Salimpur P.S.Case No. 149 of 2015 and from that
case he has been remanded in this case, the confessional statement
of the petitioner made before the police had got no evidentiary
value in the eye of law, the motorcycle was in standing position by

the side of road and petitioner was near that place, resulting, he has been apprehended. The petitioner by remaining in custody has been sufficiently penalized, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes the prayer of bail by pointing out the alleged recovery of looted motorcycle.

In the facts and circumstances stated above, considering the detention of the petitioner and further charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned A.C.J.M., Barh, in connection with Bakhtiyarpur P.S. Case No. 379 of 2015, 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.)

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