

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58576 of 2015

Arising Out of PS.Case No. -115 Year- 2014 Thana -BIHIYA District- BHOJPUR

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1. Botal Mahto @ Sinku Mahto @ Rinku Singh Son of Ravishankar Singh
R/O Ratnarh p.s. Agion (g) Distt Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. A.K. Choudhary (App)

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

3 25-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Bihiya
P.S. Case No. 115 of 2014 registered for the offence punishable
under Section 395 of the Indian Penal Code.

The petitioner is not named in the FIR during
investigation his name transpired in the statement of witness
Naumi Paswan, vide para 47 of the case diary that the petitioner
and co-accused Ganesh Yadav, Arman Khan snatched cash from
the informant and that Ganesh Yadav has confessed his guilt.

Submission is of false implication and that the
occurrence is of 4.5.2014 whereas after seven days the witnesses
Naumi Paswan due to enmity has stated the name of the petitioner,

the confessional statement of co-accused has got no evidentiary value in the eye of law petitioner is in custody since 15.9.2014 but he has not been put on T.I.P., and nothing has been recovered from his conscious possession.

The learned A.P.P. submits that one witness has identified the petitioner and others.

In the facts and circumstances stated above, considering that the name of the petitioner has come after 7 days of the occurrence, the petitioner has not been put on T.I.P., and as such 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 C.J.M., Bhojpur, Ara, in connection with Bihiya P.S. Case No. 115 of 2014, 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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