

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17203 of 2016

Arising Out of PS.Case No. -33 Year- 2010 Thana -KOTWALI District- MUNGER

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1. Md. Rustam Son of late Md. Sohrab resident of Mohalla- Dilabarpur, PS Kotwali, District Munger..... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Sanjay Kr. Sharma (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 21-06-2016

Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Kotwali P.S. Case No. 33 of 2010 registered for the offence punishable under Section 395 of the Indian Penal Code.

The First Information Report is against unknown miscreants who have committed dacoity in the house of the informant. During investigation the name of the petitioner and others transpired as some of the witnesses have stated that the petitioner and others were seen coming and running from the place of occurrence.

Submission is of false implication and that the petitioner is suffering in custody since 19.01.2016 but he has not been put on test identification parade, nothing has been recovered from his possession and only on the basis of confessional

statement of co-accused the Police has dragged the name of the petitioner though he has got no role in the said crime, similarly situated co-accused Md. Salam has already been allowed bail and as such the petitioner also deserves sympathetic consideration to which the learned APP opposes by submitting that on the basis of confessional statement of co-accused some looted articles were recovered and the petitioner has got criminal antecedent also.

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 Chief Judicial Magistrate, Munger in connection with Kotwali P.S. Case No. 33 of 2010, 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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