

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22201 of 2016

Arising Out of PS.Case No. -26 Year- 2016 Thana -ATHMALGOLA District- PATNA

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1. Gautam Kumar son of Ramchandra Singh Resident of village- Budhra
,P.S. Athmal Gola, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. Ajit Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 05-07-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Athmalgola P.S. Case No. 26 of 2016 registered for the offences
punishable under Sections 457 of 380 of the Indian Penal Code.

The petitioner is named in the First Information Report
and during course of investigation, on the basis of confessional
statement of co-accused Chhotu Kumar, stolen articles of the
school were recovered from the *Palani* of the petitioner, kept
behind the bundle of maize.

Submission is of false implication and that the
petitioner was not present at the time of alleged recovery. The
alleged *Palani* is not of the petitioner and he has been made victim

of the police atrocity, co-accused Chhotu Kumar and Robin Kumar have already been allowed bail by another co-ordinate Bench of this Court and the petitioner is suffering in custody since 07.02.2016 after his surrender, having no criminal antecedent.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, the petitioner, above named, shall also be released on bail **after completion of six months in custody from the date of his remand** 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 S.D.J.M. Barh, Distt. Patna in connection with Athmalgola P.S. Case No. 26 of 2016 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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