

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45462 of 2016

Arising Out of PS.Case No. -63 Year- 2016 Thana -SUPAUL District- SUPAUL

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Nandan Poddar @ Nandan Kumar Son of Late Parmanand Poddar,
resident of Village- Rauta, P.S.- Sour Bazar, District- Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mrs. Rashmi Jha, Advocate

For the Opposite Party : Mr. Md. Sufiyan, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 28-11-2016 Heard the learned counsel for the petitioner and the

learned APP for the State.

Petitioner is languishing in custody since 15.03.2016 in
connection with Supaul P.S.Case No.63 of 2016 for offence
alleged under Section 392 of the IPC.

The prosecution case is that on 04.02.2016, the
informant was going to his sister and he reached near Matkuriya
Chowk, three criminals boarded on a motorcycle reached and the
informant had to stop his bike and the pillion rider putting the
informant in fear of life took out Rs.900/- cash and ATM card and
other documents from his pocket.

It has been submitted by the learned counsel for the
petitioner that the petitioner is innocent and has falsely been



implicated in the aforesaid case. He further submits that nothing has been recovered from his possession and although he is named in the FIR but nothing has been found from his conscious possession. It is further submitted that the petitioner and the informant are on inimical terms, hence the petitioner has been named. It is also submitted that chargesheet has already been submitted, hence there is no chance of tampering with the witnesses. It has further been submitted that two of the co-accused has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr.Misc.No.35771 of 2016 dated 20.08.2016 and Cr.Misc.No.31098 of 2016 dated 15.09.2016.

However, learned APP for the State submits that the petitioner is named in the FIR, hence opposes the prayer for bail.

From perusal of materials on record, since other co-accused have been granted the privilege of bail and also 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 CJM, Supaul in connection with Supaul P.S.Case No.63 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.

Since the petitioner is an accused in three more cases of similar nature, if the petitioner is found to have indulged in a case of similar nature, the learned court below will cancel the bail bonds without being prejudiced with this order.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J)

B.Kr./-

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