

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45323 of 2016

Arising Out of PS.Case No. -59 Year- 2010 Thana -BHELDI District- SARAN

1. Deepak Pandey @ Deepak Kumar @ Deepak Kumar Pandey Son of Dwarika Pandey, Resident of Village- Sutihar Mathiya, Police Station- Derni, District- Saran.

.... .. Petitioner/s

Versus

1. The State of Bihar

.... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash, Advocate

For the Opposite Party/s : Mr. Pancha Nand Pandit, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-11-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in jail since 05.09.2016 in a case registered for offences punishable under Section 392 of the Indian Penal Code.

The prosecution case as lodged by the informant against unknown is that three persons snatched his motorcycle and clothes as well as the documents of the motorcycle.

It has been submitted by the learned counsel for the petitioner that there is no recovery from the petitioner nor the petitioner has been put on Test Identification Parade. He further submits that charge sheet has already been submitted, hence there is no chance of tampering with the witnesses. It is further submitted that on the confessional statement of the co-accused Arun Kumar Tiwary and Manoj Ray, name of the petitioner

surfaced, which has no evidentiary value in the eye of law. It has further been submitted that co-accused Manoj Ray has since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 5477 of 2012.

Learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Considering the facts that on similar allegation, one of the co-accused has been granted the privilege of bail, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction learned Judicial Magistrate, Saran at Chapra in connection with Bheldi P.S.Case No. 59 of 2010.

This direction for bail is further subject to the condition that the petitioner shall 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 and when required.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

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