

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51345 of 2017

Arising Out of PS.Case No. -255 Year- 2015 Thana -NOORSARAI District- NALANDA
(BIHARSHARIFF)

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Bharat Chouhan S/o Chothi Chouhan, R/o Village- Prahlad Nagar, P.S.-
Noor Sarai, District- Nalanda. Petitioner.

Versus

The State of Bihar Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Samir Kumar Sinha

For the Opposite Party/s : Mr. Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

03 21-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Noor Sarai P.S. Case No.
255 of 2015 registered under Section 394 of the Indian Penal
Code.

As per the prosecution case, two unknown
miscreants are said to have looted away ornaments, mobile and
cash of Rs.55000/- etc. from the house of the informant assaulting
him. They have also committed looting in the house of one
Shailesh Ram preceding to the said occurrence on the same date.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in this case. The
petitioner is neither named in the F.I.R. nor he was apprehended
on the spot. No incriminating article has been recovered from his



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conscious physical possession. There is nothing in the case diary indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused Bablu which has no evidentiary value in the eye of law. Petitioner has been remanded in this case on 14.12.2016 from Noor Sarai P.S. Case No.283 of 2016. The petitioner has been languishing in custody since 14.12.2016.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Nalanda at Bihar Sharif in connection with Noor Sarai P.S. Case No.255 of 2015 (G.R. No.3721/15), with a condition that one of the bailor must be closed relative of the petitioner.

(Prakash Chandra Jaiswal, J)

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