

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16456 of 2017

Arising Out of PS.Case No. -431 Year- 2016 Thana -DALSINGHSARAI District- SAMASTIPUR

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Shivchandra Kashyap @ Shivam Choudhary Son of Late Ramchandra Choudhary, Resident of Village- Mathurapur, Ward No. 3, Police Station- Dalsinghsarai, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Ms. Sahin Begam

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 02-05-2017 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Dalsinghsarai P.S. Case No. 431 of 2016 registered for the offences punishable under Sections 393, 398, 302/120B of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, attempt was made to commit theft in the Branch of Bank of Baroda, Harishankar by cutting window, door of cash vault by gas cylinder and two gas cylinders and other equipments were found in the Branch of the Bank which were left by the miscreants. One villager was also shot dead near the premises of the Branch office.



Submission is of false implication and that the name of the petitioner has come in the confessional statement of co-accused Shivam Kumar Choudhary @ Tar Babu and save and except that confessional statement, there is no legal evidence against the petitioner. The petitioner has got one case wherein he has been remanded after remand being made in this case and the petitioner has been granted bail by the learned court below itself. The petitioner, without any fault, is suffering in custody since 29.12.2016, and as such, he deserves bail.

The learned A.P.P. fairly submits that the name of the petitioner has come in confessional statement of co-accused Shivam Kumar Choudhary @ Tar Babu and one pistol was also recovered from his bed.

In the facts and circumstances stated above, considering that besides the confessional statement, there is no other material against the petitioner, and as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Dalsinghsarai in connection with Dalsinghsarai P.S. Case No. 431 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 petitioners 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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