

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14879 of 2017

Arising Out of PS.Case No. -128 Year- 2016 Thana -MAHARAJGANJ District- SIWAN

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Tusar Kumar Singh @ Tufani Singh Son of Sri Tarnee Singh, resident of
Village- Sihauta Bangra, P.S.- Maharajganj, Distt.- Siwan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 12-05-2017 Heard both sides.

The petitioner seeks bail in Maharajganj P.S. Case No. 128/2016, registered for the offences punishable under Section 394 of the Indian Penal Code.

The informant alleged that he went to village Sikatia to attend Tilak ceremony while the informant was returning 03 persons came on a motorcycle and dashed the informant. The informant fell down on the ground. The accused persons snatched his motorcycle, mobile and Rs. 700/- from his possession.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. Nothing has been recovered from the possession of the petitioner. Name of the petitioner transpired in the case in confessional statement of the co-accused Vishal Singh who was arrested on 19.08.2016. The petitioner was



also arrested and remanded in this case on 03.12.2016, but he has not yet been put on Test Identification Parade. The informant claimed to identify the accused persons.

It appears from perusal of the order of the learned Sessions Judge, Siwan that the witnesses named the petitioner in para 48 and 51 of the case diary, but from perusal of the case diary it appear that firstly, the name of the petitioner came in the confessional statement of the co-accused Vishal Singh. In para 48 and 51 of the case diary, 02 persons disclosed that 03 accused persons had come on the date of occurrence in the market, but they did not disclose the fact that the petitioner took part in the robbery. They only raised suspicion against the petitioner in the crime. The petitioner is in jail for more than five months, but he has not yet been put on Test Identification Parade.

Considering the facts aforesaid, the petitioner above-named, 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 Additional Chief Judicial Magistrate V, Siwan in connection with Maharajganj P.S. Case No. 128/2016.

(Prabhat Kumar Jha, J.)

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