

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20172 of 2017

Arising Out of PS.Case No. -89 Year- 2016 Thana -PHULPARAS District- MADHUBANI

=====

Kaushal Kumar Mishra Son of Sri Kanhaiya Mishra Resident of Village-
Sudai, P.S.- Phulparas, District- Madhubani..... Petitioner

Versus

The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar

For the Opposite Party/s : Mr. Sri Manish Kumar 2

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 04-07-2017 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner seeks bail in connection with Phulparas
P.S. Case No. 89 of 2016 registered for the offence punishable
under Sections 392 of the Indian Penal Code.

Allegedly, two motorcycle borne criminals looted
Apache Motorcycle of the informant and cell phone of Lava
company on the point of Katta and the petitioner was arrested in
Phulparas P.S. Case No. 316 of 2016 with looted mobile of this
case and arms.

Submission is of false implication and that nothing has
been recovered from his conscious possession, without any fault
the petitioner is suffering in custody since 21.02.2017, there is no
legal and tangible material against the petitioner, confessional
statement made before the Police has got no evidentiary value in



the eye of law and as such the petitioner deserves sympathetic consideration.

Learned APP opposes the prayer of bail by submitting that the looted mobile was recovered from possession of the petitioner.

In the facts and circumstances stated above, the petitioner above named **shall be released on bail after completion of six months in custody** on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. II, Jhanjharpur in connection with Phulparas P.S. Case No. 89 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner 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)

avin/-

U		T	
---	--	---	--

