

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34757 of 2017

Arising Out of PS.Case No. -153 Year- 2016 Thana -PANCHRUKHI District- SIWAN

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Gulzar Nut Son of Shahid Nut, resident of Mahuwal, P.S. Hussainganj,
District-Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Utsav Kumar, Advocate
Mr. Avinash Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-08-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
04.02.2017 in connection with Pachrukhi P.S. Case No. 153 of
2016 registered for the offence punishable under Sections 461 and
379 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that he is owner of a mobile repairing shop and on information
from the Chawkidar, he found that his shop had been burgled and
two laptops, large number of mobiles and cash of Rs. 29,000/- had
been stolen. The miscreants were chased but they managed to flee
away.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report, has been falsely implicated and it is only on the confessional statement of co-accused, Abdul Karim Nut that his name surfaced. He submits that nothing has been recovered from his possession and he is a labourer and that the said co-accused, Abdul Karim Nut has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 21279 of 2017 on 12.05.2017. He further submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P .P. for the State opposes the prayer for bail stating therein that petitioner does not have a clean antecedent and is accused in cases of similar nature.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Siwan in connection with Pachrukhi P.S. Case No. 153 of 2016, subject to the condition that one of the bailors would be a close relative of



the petitioner, who would file an affidavit stating his relationship with the petitioner and that if, in future, petitioner is found to be involved in similar nature of offence, the prosecution will be at liberty to move before the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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