

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34253 of 2017

Arising Out of PS.Case No. -73 Year- 2014 Thana -GWALPARA District- MADHEPURA

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1. Rupesh Pathak Son of Nityanand Pathak Resident of Village -
Madhukarchak, Bhita Tola, P.S. Bihariganj, District Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh

For the Opposite Party/s : Mr. Harendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Gwalpara P.S.
Case No. 73 of 2014, G.R. No. 33 of 2014 for offences punishable
under Sections 392/411 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he along with his co-villager Sintu Ram was coming
from his home on his motorcycle, three miscreants on a
motorcycle intercepted and took away the motorcycle of the
informant, his mobile and Rs. 500/- from the pocket of Sintu Ram
on gun point.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information



Report and it is only on the basis of his confessional statement before the police, which has no evidentiary value in the eye of law, that he has been made accused in the present case. He submits that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner, has been remanded in the present case on 16.12.2014 and is languishing in custody since then. It is submitted that two of the co-accused, who were along with the petitioner, have been granted privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 26783 of 2015 on 28.07.2015 and Cr. Misc. No. 9327 of 2016 on 07.04.2016 and just because he has a criminal antecedent, he has been made accused in the present case.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and as many as four cases of similar offence are pending against him.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Judicial Magistrate, 1st Class, Udakishunganj, Madhepura, in connection with Gwalpara P.S. Case No. 73 of 2014, G.R. No. 33 of 2014, subject to the condition that one of the bailors would be a



close relative of the petitioner and if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds. Petitioner is also directed to appear before the concerned police station in the first week of every month.

(Nilu Agrawal, J)

Rajesh/-

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