

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43456 of 2017

Arising Out of PS.Case No. -148 Year- 2017 Thana -MALSALAMI District- PATNA

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Hemant Raj @ Tinku, Son of Suraj Deo, resident of Mohalla Ravidas
Colony Morcha Road, P.S. Chowk, District Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Sri Surendra Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-09-2017 Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in connection with Malsalami P.S.

Case No. 148 of 2017 for offences punishable under Section 395

of the Indian Penal Code.

The prosecution case, as lodged by the informant, is

that while he closed his shop Hansa Enterprises and was coming

home by foot and carrying a bag containing Rs. 3,00000/- (three

lakh) 8-9 miscreants came and assaulted him and snatched away

his bag and mobile.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the F.I.R., his name surfaced on the confessional statement of co-accused and that he bears no criminal history. He submits that only Rs. 9340/- was recovered from his possession which was his money and one of the co-accused on similar allegation has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 41848 of 2017 on 11.09.2017. He submits that for no fault he is languishing in judicial custody since 13.06.2017.

However, learned APP for the State opposes the prayer for bail.

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 Additional Chief Judicial Magistrate-IV Patna City (Patna), in connection with Malsalami P.S. Case No. 148 of 2017, subject to the condition:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the



jurisdiction of the concerned court.

- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in disposal of trial and make himself available as and when required by the court. In the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, his bail bond shall be cancelled.

With the aforesaid observation, this application is allowed.

(Nilu Agrawal, J)

Devendra/-

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