

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36528 of 2017

Arising Out of PS.Case No. -186 Year- 2017 Thana -GANDHIMAIDAN District- PATNA

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1. Anil Nayak Son of Bhima Nayak Resident of Pujarali Tanda Post
Pujarali, Police Station- Bellari District- Bellari (Karnatak).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Smt. Sudha Ambastha

For the Opposite Party/s : Mr. Sri Anil Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
06.04.2017 in connection with Gandhi Maidan P.S. Case No. 186
of 2017, G.R. No. 2246 of 2017 for offence punishable under
Section 382 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he had gone to the hotel by his motorcycle for having
dinner and on coming back he saw that his motorcycle was being
taken away by two un-known persons and one person was
showing knife to the informant. Thereafter, he entered into the
hotel and again came out with manager of the hotel and found his
motorcycle missing.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and not named in the FIR. It has been stated that on the confessional statement of the petitioner as well as co-accused before the police, which has no evidentiary value in the eye of law, he has been made accused. 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 APP for the State opposes the prayer for bail stating therein that the informant has identified the petitioner in test identification parade and the motorcycle has also been recovered.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail **after completion of six months in custody** on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-cum-Sub-Judge VI, Patna in connection with Gandhi Maidan P.S. Case No. 186 of 2017, G.R. No. 2246 of 2017.

(Nilu Agrawal, J)

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