

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44436 of 2017

Arising Out of PS.Case No. -52 Year- 2016 Thana -GHOSI District- JEHANABAD

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Bharat Chauhan Son of Chauthi Jamadar Resident of Village-Kundi ko Tola
P.S. Nursarai Distt. Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mr. Pancha Nand Pandit, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 22-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
10.02.2017 in connection with Ghosi P.S. Case No.52 of 2016 for
offences punishable under Section 395 of the Indian Penal Code.

The prosecution case, as lodged by the informant truck
driver, is that while he was carrying cylinder, the petitioner along
with five miscreants had blocked the road and took away Rs.
6000/- and also looted some of the trucks passing by.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and his
named surfaced on the confessional statement of one Dharmapal
Chouhan who was arrested and has also taken the name of the



petitioner before the police which has no evidentiary value in the eye of law. He submits that the said co-accused Dharampal Chouhan has since been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 46403 of 2016 on 22.10.2016. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He further submits that no T.I. Parade has been done so far.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and one more case under the same section for the same offence is pending against the petitioner.

Considering the facts and circumstances and the materials on record and the period of custody, 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-Vth, Jehanabad in connection with Ghosi P.S. Case No. 52 of 2016, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



(2) 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.

(Nilu Agrawal, J)

Devendra/-

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