

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55750 of 2016

Arising Out of PS.Case No. -389 Year- 2016 Thana -NAWADA District- NAWADA

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Jhimi Kumar Yadav, Son of Late Prem Yadadv, resident of Village- Naya
Tola Jurabganj, P.S.- Kordha, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Prasad Singh, Adv.

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan, APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 31-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Nawada
Town P.S. Case No.389 of 2016 registered for the offence
punishable under Section 379 of the Indian Penal Code.

Allegedly, after breaking the dickey of the
motorcycle of the informant an amount of Rs.3,70,000/- was
stolen away and the informant in his further statement stated that
one person was watching his movement from the bank itself and
he can identify that person and he has taken away the amount after
breaking the dickey. Thereafter, during the T.I. Parade, the
informant identified the petitioner.

Submission is of false implication and that the T.I.



Parade was conducted after two months of the occurrence, in the First Information Report the informant has not claimed any of the suspect and later on story has developed and the petitioner has been implicated in this case after remand from another case, the prosecution story appears not believable and reliable and, as such, the petitioner, who is suffering in custody since 08.08.2016, now deserves sympathetic consideration because the petitioner if identified has been identified as suspect.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioner has got criminal antecedent.

In the facts and circumstances stated above, considering that nothing has been recovered from the possession of the petitioner and by remaining in custody he has been sufficiently penalized, the petitioner is directed to be released on bail on execution of bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No.389 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on



his part without any reason shall disentitle the petitioner from
privilege of bail.

(Jitendra Mohan Sharma, J)

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