

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2585 of 2017

Arising Out of PS.Case No. -74 Year- 2015 Thana -SAMASTIPUR GRP CASE District-SAMASTIPUR

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Vinay Shankar Thakur S/o Baleshwar Thakur Resident of Village-
Brahmapur, P.S.Kamtaul, District-Darbhanga.... Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raj Bansh Dubey

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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

ORAL ORDER

3 03-03-2017 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in connection with Rail Darbhanga
P.S. Case No. 74 of 2015 registered for the offences punishable under
Sections 379, 328/34 of the Indian Penal Code.

Allegedly, providing intoxicants in Pepsi to the informant
and making him unconscious his clothes valuing Rs. 6000/-, one mobile
and cash of Rs. 3,000/- were taken away by the miscreants and during
investigation the name of the petitioner transpires on the basis of
statement of Jogendra Sah and Pawan Kumar that stolen mobile of the
informant was sold by the petitioner to Pawan Kumar.

Submission is of false implication and that nothing has been
recovered from possession of the petitioner, he is in custody since
21.06.2016 but he has not been put on test identification parade, there is
no legal and tangible material against the petitioner and only on the
basis that the petitioner has got criminal antecedent he is suffering in



custody. The petitioner has been made accused in Kamtaul P.S. Case No. 103 of 2009 wherein he has been acquitted on 04.02.2015 itself and at present there is no case against him besides this case.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that nothing has been recovered from possession of the petitioner and he has not been put on test identification parade, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J. M. (Rail), Samastipur in connection with G.R.P. Darbhanga Rail P.S. Case No. 74 of 2015, 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.

avin/-

(Jitendra Mohan Sharma, J)

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