

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2198 of 2017

Arising Out of PS.Case No. -429 Year- 2016 Thana -KHAZANIHAT District- PURNIA

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1. Md. Monu @ Manowar Hussain S/o Md. Alam, R/o Islampur, P.S.-
Nagar, District- Katihar Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Mr. Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sri Uday Chand Prasad, A.P.P.

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

ORAL ORDER

4 20-02-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with K. Hat
P.S. Case No. 429 of 2016 registered for the offences punishable
under Section 394 of the Indian Penal Code and Section 27 of the
Arms Act.

Allegedly, cash of Rs. 1,58,000/- was looted from
possession of maternal brother of the informant and further on
protest, accused persons shot fire causing fire arm injury to
maternal brother and when co-villager Sanjay Yadav and another
tried to save the informant and others then, Manoj Yadav also
sustained fire-arm injury. During investigation, the petitioner was
apprehended and from his house cash of Rs. 14,000/- and mobiles
with SIM were recovered and he confessed his guilt also.

Submission is of false implication and that no stolen



articles were recovered from the possession of the petitioner. The confessional statement has been got recorded after adopting third degree method. He is in custody since 01.10.2016. The informant has claimed to identify the miscreants though TIP has not been arranged.

The 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 petitioner has not been put on TIP and recovered article does not tally from the looted article and, as such, above named petitioner 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 Chief Judicial Magistrate, Purnia in connection with K. Hat P.S. Case No. 429 of 2016 subject to the conditions that one of the bailors must be 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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