

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18708 of 2017

Arising Out of PS.Case No. -87 Year- 2016 Thana -ROSHANGAANJ District- GAYA

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Amka Kumar @ Musu, Son of Mahendra Singh, Residence of Village-
Bahera, P.S.- Imamganj, Distt- Gaya. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Sri Asharaf Ansari

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

ORAL ORDER

3 23-06-2017 Heard learned counsel for the petitioner and learned APP
representing the State.

The petitioner seeks bail in connection with Roshanganj P.S.
Case No. 87 of 2016 registered for the offence punishable under
Sections 392/34 of the Indian Penal Code.

Allegedly, 3-4 unknown miscreants being in Khakhi vardi at
the point of arms snatched the motorcycles, mobile and cash from the
informant as well as from the others and they stated themselves as
Maoist and further stated that the motorcycles will be made available at
Rakshi village but at Rakshi village the motorcycles were not there.
During investigation the name of the petitioner transpired in the
confessional statement of Fochu Sao that he has purchased the looted
motorcycle from the petitioner.

Submission is of false implication and that besides
confessional statement of co-accused there is no other material against
the petitioner, nothing has been recovered from his conscious



possession, one of the looted motorcycle was recovered from possession of Karu Paswan. He confessing his guilt stated the name of Fochu Sao and Fochu Sao confessing his guilt stated the name of the petitioner which has got no evidentiary value in the eye of law. The petitioner without any fault is suffering in custody since 09.01.2017 and as such he deserves sympathetic consideration. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP does not dispute the aforesaid submission.

In the facts and circumstances stated above, 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 Sub-Divisional Judicial Magistrate, Sherghati, Gaya in connection with Roushanganj P.S. Case No. 87 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.

avin/-

(Jitendra Mohan Sharma, J)

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