

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17879 of 2017

Arising Out of PS.Case No. -174 Year- 2016 Thana -AMARPUR District- BANKA

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1. Niraj Sharma, Son of Birendra Mistri @ Birendra Sharma,
2. Janki Mandal, Son of Karu Mandal,
Both are residents of village - Bhadaweri, P.S. Hansdiha, District –
Dumka (Jharkhand)

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjay Kumar Jha, Adv.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 12-04-2017 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are in custody since 23.12.2016 in connection with Amarpur P.S. Case No. 174 of 2016 for the offences alleged under Section 395 of the Indian Penal Code.

3. It is submitted that the petitioners have been falsely implicated and the F.I.R. is against 7-8 unknown persons. Except the extra judicial confessional statement of co-accused, there is no material to connect the petitioners with the alleged occurrence. The petitioners have neither been put on Test Identification Parade for their identification nor any incriminating articles have been recovered from their possession. Petitioners have been implicated in five other cases of the year 2016 itself and prior to that, there is no criminal history against them.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the



satisfaction of learned Ad hoc 1st Additional District Judge, Banka, in connection with Sessions Trial No. 46 of 2017 arising out of Amarpur P.S. Case No. 174 of 2016, on the following conditions:-

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

Md. Ibrarul/BT

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