

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23296 of 2017

Arising Out of PS.Case No. -257 Year- 2016 Thana -KHAZANIHAT District- PURNIA

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1. Md. Sonu, S/o Md. Jamal, Resident of Village- Dhokawa, P.S. Dhamdaha, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha
Mr. Sujit Kumar

For the Opposite Party/s : Mr. Pancha Nand Pandit, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-06-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is languishing in judicial custody since 07.07.2016 in connection with K. Hat (Madhubani) P.S. Case No. 257/2016 for offences alleged under Sections 457 and 380 of the Indian Penal Code.

The prosecution case as lodged by the informant is that he had gone to Delhi for the last four months and on 19.06.2016 he received information that the lock of his house has been broken. On return, he found that cash and jewellery had been stolen.

It has been submitted by the learned counsel for the petitioner that he is not named in the FIR and has been falsely implicated in the aforesaid case just because similar nature of cases are pending against him. It has further been submitted that on the



confessional statement of one co-accused Ajit Kumar and his own confessional statement that an Apache motorcycle has been recovered from his house but nothing has been recovered from the conscious possession of the petitioner. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State vehemently opposes the prayer for bail stating therein that the petitioner is a habitual offender and indulged in similar nature of offence.

Considering the facts aforesaid and materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K.Hat (Madhubani) P.S. Case No. 257/2016, subject to the condition that the petitioner will swear an affidavit personally that he will not indulge in similar type of offence before the learned court below and failure to file such affidavit and undertaking will entail cancellation of his bail bond.

(Nilu Agrawal, J.)

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