

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27387 of 2017

Arising Out of PS.Case No. -182 Year- 2016 Thana -NASRIGANJ District- SASARAM (ROHTAS)

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1. Mohan Ram @ Mohan Paswan @ Nirahua @ Abhay Jee, Son of Mahendra Ram @ Mahendra Paswan, resident of Vill.- Bangeya, P.S.- Kachhawa, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey

For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-08-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 03.02.2017 in connection with S.T. No. 111 of 2017 arising out of Nasariganj P.S. Case No. 182 of 2016 for offences punishable under Sections 395 and 412 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while the informant was returning after collecting money of S.K.S. Micro Finance Company, two persons stopped his motor cycle and on point of *katta* looted Rs. 40,000/- along with Tab and mobile. Also they fled away along with his motorcycle.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information



Report and it is only on the confessional statement of co-accused Wajul Haque, who has been granted privilege of bail by a co-ordinate Bench of this Court in Cri. Misc. No. 9222 of 2017 on 28.02.2017, that he has been made accused. He submits that confessional statement of co-accused, made before the police, has no evidentiary value in the eye of law. Nothing has been recovered from his possession and no test identification parade has been done so far. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. It has further submitted that other co-accused have also been granted privilege of bail in Cri. Misc. No. 7206 of 2017 on 06.03.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as two cases are pending against him and one is of the similar nature and was involved in the commission of the offence.

Considering the facts and circumstances and the 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



4th Additional District Judge, Rohtas, in connection with S.T. No. 111 of 2017 arising out of Nasariganj P.S. Case No. 182 of 2016 subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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