

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31376 of 2017

Arising Out of PS.Case No. -197 Year- 2017 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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1. Balmiki Pritam @ Kumar Balmiki Pritam Son of Late Chandheshwar Prasad, Resident of Village- Mehdibigha, P.S.- Chandi, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash, Advocate

For the Opposite Party/s: Mr. Dinesh Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-07-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State

The petitioner seeks bail in connection with Bihar P.S.Case No. 197 of 2017 registered for offences punishable under Section 379 of the Indian Penal Code.

The prosecution case as lodged by the informant is that while he had gone to the clinic for treatment of his children and parked his motorcycle out side the clinic but when he returned he found his motorcycle missing.

It has been submitted by the learned counsel for the petitioner that he has not been named in the F.I.R. and has been falsely implicated only on the basis of subsequent case lodged against him and remanded in the present case on 20.04.2017.. He submits that nothing has been recovered from his conscious possession and the name of the petitioner appears on the basis of



the confessional statement of other co-accused, Kanhai Thakur and his own confessional statement before the police, which has no evidentiary value in the eye of law.

However, learned A.P.P. for the state submits that the petitioner is habitual offender and does not have a clean antecedent, hence, opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 197 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner who would have sufficient immovable property within the jurisdiction of the concerned police station/ Court and if the petitioner is found to have indulged in an offence of similar nature in future, the learned Court below will be at liberty to cancel the bail bonds of the petitioner.

(Nilu Agrawal, J)

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