

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.499 of 2017

Arising Out of PS.Case No. -155 Year- 2016 Thana -BARAULI District- GOPALGANJ

=====

1. Bijender Kumar Paswan @ Bijender Paswan @ Bijendra Kumar, son of Kanhaiya Manjhi, resident of village - Tajpur, Police Station - Janata Bazar, District - Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar -1, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-01-2017 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in jail since 28.07.2016 in connection with Barouli P.S.Case No. 155 of 2016, G.R. No. 2277 of 2016 registered for offences punishable under Sections 401, 413, 414, 411, 420, 467, 468 and 471 of the Indian Penal Code.

The prosecution case as lodged by the police personnel is that a team was constituted for raid in connection with the prevalent theft of vehicles and the police party apprehended two persons namely, Dharmnath Prasad @ Dharma and another Sanjay Yadav, who stated that they had sold stolen vehicles to several persons. The petitioner was apprehended with stolen motorcycle only on the confessional statement of one Sanjay



Yadav.

It has been submitted by the learned counsel for the petitioner that he is innocent and there is no criminal history and only a splendor motorcycle was recovered from the possession of the petitioner without any number. Apart from that, no other overt act has been committed by the petitioner. It has further been submitted that this Court in Cr. Misc. No. 50883 of 2016 dated 25.11.2016 had granted the privilege of bail to another co-accused, whose name has been disclosed by Dharm Nath Prasad @ Dharma. 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 submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, considering the facts and circumstances of the case, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Barauli P.S. Case No. 155 of 2016, G.R. No. 2277 of 2016.

(Nilu Agrawal, J)

Sudha/-

U		T	
---	--	---	--

