

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36187 of 2017

Arising Out of PS.Case No. -8 Year- 2017 Thana -JAMALPUR RAIL P.S. District- LAKHISARAI

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Mahesh Kumar Son of Dhaneshwar Mahto @ Dharamdeo Mahto Resident
of Village- Simaria Ghat Bind toli, P.S. Chakia, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Opposite Party/s : Mr. Smt Renu Kumari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 31-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
27.02.2017 in connection with Jamalpur G.R.P.S. Case No. 08 of
2017 for offences punishable under Section 394 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that while he was travelling in the train two persons armed with
gun entered and forcefully snatched Rs. 15000/- by hitting him on
the head by the butt of the gun and also snatched mobile and
money of other co-passengers.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the F.I.R. and his name surfaced only on the basis of his own confessional statement before the police which has no evidentiary value in the eye of law as well as the photograph identified by the informant. He submits that just because he has a criminal antecedent, he has been made accused in the present case. He further submits that no incriminating article has been recovered from his possession and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

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 nine cases are pending against him some of similar nature and that he has confessed his guilt before the police.

Considering the facts and circumstances and the materials on record as well as the period of custody, 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 Additional Chief Judicial Magistrate, Railway, Kiul in connection with Jamalpur G.R.P.S.



Case No. 08 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) 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.
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.
- (4) The petitioner will also appear before the concerned police station in the first week of every month.

(Nilu Agrawal, J)

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