

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47952 of 2017

Arising Out of PS.Case No. -190 Year- 2017 Thana -SAHEBPUR KAMAL District- BEGUSARAI

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Sohan Kumar Son of Late Shankar Patel, R/o Village- Amgola, (W. No. 34)
P.S.- Kazi Mohamadpur, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jyotsna Rani Mishra, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 19-12-2017 Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks bail in connection with Sahebpur
Kamal P.S. Case No. 190 of 2017 registered for offences
punishable under Sections 395 and 328 of the Indian Penal Code.

The prosecution case, as lodged by the informant, who
was the truck driver, is that while he having loaded maize on the
truck, was going to Varanasi, 5-6 miscreants in a Bolero car
intercepted the truck, forcibly administered intoxicated medicine
to the informant and snatched Rs. 25,000/- and a gold chakti from
his neck.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the First Information Report and his name surfaced only on the basis of confessional statement of one Manoj Kumar. He submits that two of the accused have already been granted the privilege of bail by coordinate Benches of this Court in Cr. Misc. No. 42813 of 2017 and Cr. Misc. No. 44967 of 2017 on 20.09.2017. It is submitted that no Test Identification Parade has been done so far and nothing has been recovered from the conscious possession of the petitioner and petitioner is languishing in judicial custody since 13.07.2017. He submits that charge-sheet has already been submitted and there is no allegation of tampering with 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 clean antecedent as one case is pending against him.

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/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Begusarai in connection with Sahebpur Kamal P.S. Case No. 190 of 2017,



subject to the following conditions:

- (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) If 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.

(Nilu Agrawal, J.)

Arjun/-

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