

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5711 of 2017

Arising Out of PS.Case No. -112 Year- 2015 Thana -AURANGABAD TOWN District-
AURANGABAD

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Vivek Sharma, Son of Sri Umesh Sharma, Resident of Village-Jagdhar P.S.
Tekari District-Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-02-2017

Heard learned counsel for the petitioner

and learned APP for the State.

Petitioner is languishing in custody since
01.08.2016 in connection with Aurangabad (Town) P.S.
Case No. 112/15 for offences punishable under Sections 394
of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that when the
informant, who is the Branch Manager along with Abhishek
and Sumit after withdrawing Rs. 3 lakhs were proceeding on
the way home, three unknown persons came and on gun
point snatched the said money and mobile from their
possession.

It has been submitted by the learned



counsel for the petitioner that he is innocent, not named in the First Information Report and has falsely been implicated in the aforesaid case, as some cases were pending against him and that another co-accused Prince Kumar, in his confessional statement, has named the petitioner. He submits that the confessional statement of co-accused has no evidentiary value in the eye of law and said Prince Kumar has been granted the privilege of bail by this Court in Cr. Misc. No. 54646 of 2016 on 23.12.2016. He further submits that no Test Identification Parade has been conducted so far and charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that although petitioner is not named in the First Information Report, but he has criminal antecedent, hence, opposes the prayer for bail.

Considering the facts and circumstances, since charge sheet has already been submitted and another co-accused has been granted the privilege of bail, 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 Sri Sarvesh



Kumar Mishra, learned Judicial Magistrate 1st Class, Aurangabad, in connection with Aurangabad (Town) P.S. Case No. 112/2015, subject to the condition that one of the bailors must be a near relative of the petitioner and another having sufficient immoveable property within the jurisdiction of the concerned police station and the petitioner shall be physically present on each and every date of trial and failure to appear on two consecutive dates without any plausible explanation will entail cancellation of his bail bonds. Further condition is that if the petitioner indulges in an offence of similar nature his bail bonds will be deemed to have been cancelled.

(Nilu Agrawal, J)

Rajesh/-

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