

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24893 of 2017

Arising Out of PS.Case No. -178 Year- 2016 Thana -SINGHWARA District- DARBHANGA

Indal Sahani, S/o Bhola Sahni, resident of Village- Dadhia, P.S.- Bochahan,
District- Muzaffarpur. Petitioner

Versus

The State of Bihar. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 05-07-2017 Heard learned counsel for the petitioner and learned APP
representing the State.

The petitioner seeks bail in connection with Singhwara P.S.
Case No. 178 of 2016 registered for the offence punishable under
Section 396 of the Indian Penal Code.

Allegedly, in the house of Navin Kumar Chaudhary dacoity
was committed by 5-7 dacoits wherein ornaments, mobile and cash of
Rs. 30,000/- were looted away, thereafter, dacoits committed dacoity in
the house of Muktheshwar Thakur and from there also ornaments and
mobile were looted away and when Shiveshwar Thakur came out from
his house then dacoits threw bomb upon him resulting, he became
seriously injured and died when he was brought to Darbhanga hospital.
The informant claimed to identify the dacoits after seeing them. During
investigation the name of the petitioner transpires as the informant
seeing the photo album at the Police Station identified the petitioner and
one Dinesh Sah and further the petitioner confessed his guilt also.



Submission is of false implication and that the petitioner is in custody since 08.12.2016 but he has not been put on test identification parade, the alleged identification by photo album has got no evidentiary value in the eye of law and confessional statement has been recorded after adopting 3rd degree method and as such the petitioner deserves sympathetic consideration.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Darbhanga in connection with Singhwara P.S. Case No. 178 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

avin/-

(Jitendra Mohan Sharma, J)

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