

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36610 of 2017

Arising Out of PS.Case No. -153 Year- 2016 Thana -NASRIGANJ District- SASARAM (ROHTAS)

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Inderma Singh Son of Late Subedar Singh, R/o Village- Suara Tola, P.S.-
Baghaila, District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
08.11.2016 in connection with Rajpur (Nasriganj) P.S. Case No.
153 of 2016 registered for the offence punishable under Section
395 of the Indian Penal Code. Later on, Section 412 of the Indian
Penal Code has been added.

The prosecution case, as lodged by the informant, is
that while he being the owner of the tempo was at Gola Road, two
persons came and took the tempo on rent. They came to the
driver's seat, started driving the tempo and took the tempo to a
particular place. On the way, eight persons intercepted and took



away the tempo and looted Rs. 700/- cash with mobile.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and has been falsely implicated in the aforesaid case. He submits that just because he is an accused in other cases, he has been made accused in the present case. It is further submitted that it is only on the basis of confessional statement of co-accused, that his name surfaced, which has no evidentiary value in the eye of law and that other accused persons have been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 19655 of 2017 on 03.07.2017 and by this Court in Cr. Misc. No. 26244 of 2017 on 06.07.2017

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as seven cases are pending against him apart from the present case and most of them are of similar nature.

Be that as it may, let the 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 the learned Additional Chief Judicial Magistrate,



Bikramganj, Rohtas in connection with Rajpur (Nasriganj) P.S. Case No. 153 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner and that petitioner will appear before the learned Court below on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

It is further made clear that if, in future, petitioner is found to have indulged in an offence of similar nature, the prosecution will be at liberty to move before the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

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