

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47919 of 2017

Arising Out of PS.Case No. -13 Year- 2017 Thana -BHAGWANPUR District- BHABHUA
(KAIMUR)

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1. Durga Choudhary S/o Ramji Singh Patel, R/o Ramgarh, P.S.-
Bhagwanpur, District- Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Bhagwanpur
P.S. Case No. 13 of 2017 for offences punishable under Section
392 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he was returning home after closing his shop along with
his brother and another shop keeper, three miscreants, on a
motorcycle, intercepted them and took away cash of Rs. 12,500
with gold ornaments and mobiles.

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 this case only on the



basis on confessional statement of Kamal kant Tiwari, before the police, which has no evidentiary value in the eye of law. He submits that no Test Identification Parade has been done so far and nothing has been recovered from his conscious possession. He submits that other co-accused, namely, Kamal kant Tiwari has been granted privilege of bail by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 41494 of 2017 on 07.09.2017 and other accused persons have also been granted the privilege of bail by this Court.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and two more cases are pending against him, out of which one is of similar nature.

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/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua, in connection with Bhagwanpur P.S. Case No. 13 of 2017 subject to the condition that:

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of



the concerned Court.

(ii) The petitioner will not induce any witness or tamper with the evidence.

(iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Nilu Agrawal, J)

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